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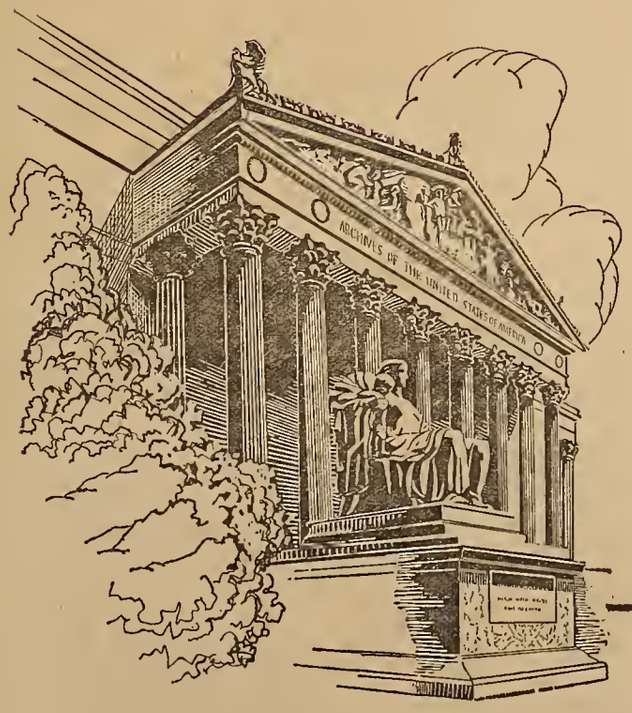

Volume 81

UNITED STATES STATUTES AT LARGE

[90th Cong., 1st Sess.]

Contains laws and concurrent resolutions enacted by the Congress during 1967, reorganization plans, the twenty-fifth amendment to the Constitution, and Presidential proclamations. Also included are: a subject index, tables of prior laws affected, a numerical listing of bills enacted into public and private law, and a guide to the legislative history of bills enacted into public law.

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The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, appears at the end of each issue beginning with the second issue of the month.

A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1968, and specifies how they are affected.

Rules and Regulations

Title 7—AGRICULTURE

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

[Amdt. 4]

PART 718—DETERMINATION OF ACREAGE AND COMPLIANCE

Eligibility for Price Support; Certain Peanut, Rice, Cotton, and Tobacco Farms

Basis and purpose. This amendment is issued pursuant to section 408 of the Agricultural Act of 1949, as amended (7 U.S.C. 1428), for the purpose of providing authority for the Deputy Administrator for State and County Operations, ASCS, to consider certain overplanted farms as being in compliance for price support purposes upon a determination that the farmers did not knowingly exceed the farm acreage allotments. Since this amendment relates to loans, grants, and benefits, it is exempted from the requirements of 5 U.S.C. 553 relating to notice, public procedure, and effective date.

Paragraph (f) of § 718.21 of the regulations governing Determination of Acreage and Compliance (32 F.R. 9069) is amended to read as follows:

§ 718.21 Reports of acreage in certification counties.

* * * * *

(f) *Farms considered in compliance for price support programs.* In the absence of evidence to the contrary, a producer of a crop specified in subparagraph (1), (2), or (3) of this paragraph (f) on a farm for which a certification under this section is furnished and for which acreages are subsequently measured shall be presumed not to have knowingly exceeded the farm acreage allotment for the crop for purposes of price support programs (but the farm shall not be considered in compliance with the allotment for the crop for purposes of determining any marketing quota penalty) if the acreage of the crop on the farm determined by measurement does not exceed the allotment by more than the amount set forth in the appropriate subparagraph (1), (2), or (3) of this paragraph (f). In any case in which the acreage determined by measurement exceeds the allotment by more than the amount set forth in the appropriate subparagraph (1), (2), or (3), the allotment shall be considered to have been knowingly exceeded: *Provided,* That the allotment shall not be considered to have been knowingly exceeded for price support purposes (but the farm shall not be considered in compliance for purposes of determining any marketing quota penalty) if it is shown to the satisfaction of the Deputy Administrator that the farm operator did not knowingly exceed the farm acreage allotment.

(1) *For peanuts on farms with an effective allotment of more than 1 acre.* The larger of 0.5 acre or 5 percent of the allotment, not to exceed 10 acres.

(2) *Rice and extra long staple (ELS) cotton.* The larger of 0.5 acre or 5 percent of the allotment, not to exceed 15 acres.

(3) *Flue-cured tobacco.* The larger of 0.1 acre or 10 percent of the allotment, not to exceed 2 acres.

(Secs. 4, 5, 62 Stat. 1070, as amended; sec. 408, 63 Stat. 1051, as amended; 15 U.S.C. 714 b and c; 7 U.S.C. 1428)

Effective date. Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on October 22, 1968.

E. A. JAENKE,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 68-13085; Filed, Oct. 25, 1968; 8:49 a.m.]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Lemon Reg. 344]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.644 Lemon Regulation 344.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act by tending to establish and maintain such orderly marketing conditions for such lemons as will provide, in the interest of producers and consumers, an orderly flow of the supply thereof to market throughout the normal marketing season to avoid unreasonable fluctuations in supplies and prices, and is not for the purpose of maintaining prices to farmers above the level which it is declared to be the policy of Congress to establish under the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held, the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on October 22, 1968.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period October 27, 1968, through November 2, 1968, are hereby fixed as follows:

(i) District 1: Unlimited movement;
(ii) District 2: 79,050 cartons;
(iii) District 3: 120,900 cartons.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: October 24, 1968.

ARTHUR E. BROWNE,
Acting Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 68-13098; Filed, Oct. 25, 1968; 8:49 a.m.]

PART 982—HANDLING OF FILBERTS GROWN IN OREGON AND WASHINGTON

Expenses of Filbert Control Board and Rate of Assessment for 1968–69 Fiscal Year

Notice was published in the October 10, 1968, issue of the FEDERAL REGISTER (33 F.R. 15125) regarding proposed expenses of the Filbert Control Board for the 1968–69 fiscal year and rate of assessment for that fiscal year, pursuant to §§ 982.60 and 982.61 of the marketing agreement, as amended, and Order No. 982, as amended (7 CFR Part 982), regulating the handling of filberts grown in Oregon and Washington. The marketing agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The notice afforded interested persons an opportunity to submit written data, views, or arguments with respect to the proposal. None were submitted within the prescribed time.

After consideration of all relevant matter presented, including that in the notice, the information and recommendation submitted by the Filbert Control Board, and other available information, it is found that the expenses of the Filbert Control Board and rate of assessment for the fiscal year beginning August 1, 1968, shall be as follows:

§ 982.313 **Expenses of the Filbert Control Board and rate of assessment for the 1968–69 fiscal year.**

(a) *Expenses.* Expenses in the amount of $27,841 are reasonable and likely to be incurred by the Filbert Control Board during the fiscal year beginning August 1, 1968, for its maintenance and functioning and for such purposes as the Secretary may, pursuant to the provisions of this part, determine to be appropriate.

(b) *Rate of assessment.* The rate of assessment for said fiscal year, payable by each handler in accordance with § 982.61, is fixed at 0.20 cent per pound of filberts.

It is found that good cause exists for not postponing the effective time of this action until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that: (1) The relevant provisions of said marketing agreement and this part require that the rate of assessment fixed for a particular fiscal year shall be applicable to all assessable filberts from the beginning of such year; and (2) the current fiscal year began on August 1, 1968, and the rate of assessment herein fixed will automatically apply to all such assessable filberts beginning with that date.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: October 22, 1968.

ARTHUR E. BROWNE,
Acting Director,
Fruit and Vegetable Division.

[F.R. Doc. 68–13057; Filed Oct. 25, 1968; 8:47 a.m.]

Chapter X—Consumer and Marketing Service (Marketing Agreements and Orders; Milk), Department of Agriculture

[Milk Order 136]

PART 1136—MILK IN THE GREAT BASIN MARKETING AREA

Termination of Proceeding on Proposed Amendments to Tentative Marketing Agreement and Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Salt Lake City, Utah, on February 2 and 3, 1967, pursuant to notice thereof issued on January 26, 1967 (32 F.R. 1054).

The material issues on the record of the February 1967 hearing (Docket No. A0–309–A10) related to pool plant qualifications, diversion provisions and the classification and pricing of reserve milk.

Following the close of the hearing and before a decision could be issued on the matters involved, it became evident that supply conditions in the market had changed drastically. It therefore became impractical to issue an amendatory decision on the basis of evidence introduced into the hearing record.

Since the hearing record did not afford a current basis for action, the Deputy Administrator, Regulatory Programs, on September 17, 1968 (33 F.R. 14325; F.R. Doc. 68–11472) filed with the Hearing Clerk, U.S. Department of Agriculture, his recommended decision which concluded, in part, that the proceeding should be terminated. The decision contained a notice of the opportunity to file written exceptions thereto.

No exceptions were filed by interested parties to such recommended decision.

In view of these considerations, it is hereby found and determined that the proceeding which was begun in this matter January 26, 1967 (32 F.R. 1054), should be terminated.

Signed at Washington, D.C., on October 24, 1968.

TED J. DAVIS,
Assistant Secretary.

[F.R. Doc. 68–13091; Filed, Oct. 25, 1968; 8:49 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airworthiness Docket No. 68–WE–19–AD, Amdt. 39–676]

PART 39—AIRWORTHINESS DIRECTIVES

Boeing Model 707 and 720 Series Airplanes

Amendment 731, Part 507 (29 F.R. 6614), AD 64–11–1, as amended by Amendment 39–637 (33 F.R. 11745), requires inspection and repair of the upper rear spar chord at wing station 208 on Boeing 707–300/400 Series aircraft. After issuing Amendment 39–637, the Agency determined that clarification of certain parts of the AD was necessary. Therefore, the AD is being further amended to provide clarification of specific paragraphs and to note other acceptable repairs.

Since this amendment provides a clarification and an alternative means of compliance and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and the amendment may be made effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations, Amendment 731, Part 507 (29 F.R. 6614), AD 64–11–1, as amended by Amendment 39–637 (33 F.R. 11745) is further amended by amending paragraphs (a) (1), (4), (7), and (8) to read as follows:

(a) (1) Inspect each wing which has not been repaired or modified in accordance with one of the methods noted in (7) or (8), in accordance with (3) at the times specified in (5) or (6), as appropriate.

* * * * *

(4) The repair of spar chords containing cracks which only extend from a forward fastener hole forward to the forward edge of the spar chord may be deferred if repeat X-ray inspections conducted in accordance with (3) are accomplished at intervals not to exceed 50 hours time in service. If any crack growth is found during repeat X-ray inspections, repair is required prior to further flight. If the chord crack is confined to the horizontal leg and is less than 2¼ inches in length, repair the chord in accordance with the rear spar repair noted on Boeing Drawing 65–40140. Cracks larger than 2¼ inches or those that extend into the vertical leg of the chord, are to incorporate the entire repair noted on Boeing Drawing 65–40140. In lieu of the repairs per 65–40140, repairs or modifications in accordance with Boeing Drawing 65–68328, or Boeing Service Bulletin 2607, or a method approved by the Chief, Aircraft Engineering Division, FAA Western Region, are acceptable.

* * * * *

(7) Upon accomplishment of the repair or modification in accordance with one of the following, the inspections required by Part (a) of this AD may be discontinued:

Repair in accordance with Boeing Drawing 65-40140.
Boeing Drawing 65-68328.
Boeing Drawing 65-68331.
Boeing Service Bulletin 2427, Part X.
Boeing Service Bulletin 2607.
Method approved by the Chief, Aircraft Engineering Division, FAA Western Region.

(8) Boeing Service Bulletin 2427, Part II, when doublers are required.
Boeing Service Bulletin 2427, Part III.
Boeing Drawing 65-66244.
Boeing Drawing 65-64377.
Boeing Drawing 65-64843.
Boeing Drawing 65-68302.

This amendment becomes effective October 29, 1968.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Los Angeles, Calif., on October 17, 1968.

A. E. HORNING,
Acting Director,
FAA Western Region.

[F.R. Doc. 68-13042; Filed, Oct. 25, 1968; 8:46 a.m.]

[Airworthiness Docket No. 68-WE-10-AD, Amdt. 39-675]

PART 39—AIRWORTHINESS DIRECTIVES

Lockheed Models 188A and 188C Series Airplanes

Amendment 39-606 (33 F.R. 8336), AD 68-11-2, as amended by Amendment No. 39-638 (33 F.R. 11746) requires inspection of the nacelle fillet attachment holes of the upper wing plank on Lockheed Model 188A and 188C Series Airplanes. After issuing Amendment No. 39-638, it was found that the last sentence previous to paragraph (a) contained reference to the upper and lower planks. Therefore, the AD is being further amended to remove all reference to the lower planks.

Since this amendment provides a clarification only, and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and the amendment is effective immediately upon publication.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations, Amendment No. 39-638 (33 F.R. 11746), AD 68-11-2, is amended as follows:

1. Revise the last sentence previous to paragraph (a) to read: "To detect fatigue cracks in the upper planks at the fillet attachment holes, accomplish the following:"

This amendment becomes effective October 26, 1968.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Los Angeles, Calif., on October 15, 1968.

A. E. HORNING,
Acting Regional Director,
FAA, Western Region.

[F.R. Doc. 68-13043; Filed, Oct. 25, 1968; 8:46 a.m.]

[Airspace Docket No. 68-EA-60]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone

On Page 9906 of the FEDERAL REGISTER for July 10, 1968, the Federal Aviation Administration published proposed regulations which would alter the Hagerstown, Md., Control Zone.

Interested parties were given 30 days after publication in which to submit written data or views. No objections to the proposed regulations have been received.

In view of the foregoing, the proposed regulations are hereby adopted effective 0901 G.m.t., December 12, 1968.

(Sec. 307(a), Federal Aviation Act of 1958; 72 Stat. 749; 49 U.S.C. 1348)

Issued in Jamaica, N.Y., on October 16, 1968.

GEORGE M. GARY,
Director, Eastern Region.

Amend § 71.171 of Part 71 of the Federal Aviation Regulations so as to delete in the Hagerstown, Md., control zone the time 1000 to 1800 and insert in lieu thereof 0600 to 2100.

[F.R. Doc. 68-13044; Filed, Oct. 25, 1968; 8:46 a.m.]

[Airspace Docket No. 68-EA-100]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone

The Federal Aviation Administration is amending § 71.171 of Part 71 of the Federal Aviation Regulations so as to alter the Richmond, Va., control zone. The Richmond RBN will be decommissioned on or after December 12, 1968, and the NDB (ADF) Runway 2 instrument approach procedure is being canceled. There will, therefore, be no requirement for the control zone extension based on the 212° true bearing from the Richmond RBN.

Since this amendment is minor and imposes no additional burden on any person, notice and public procedure herein are unnecessary.

In view of the foregoing, the Federal Aviation Administration having reviewed the terminal airspace requirements for Richmond, Va., the amendment is effective 0901 G.m.t., December 12, 1968, as follows:

1. Amend § 71.171 of Part 71 of the Federal Aviation Regulations so as to delete in the description of the Richmond, Va., control zone, the words "within 2 miles each side of the 212° bearing from the Richmond RBN extending from the 5 mile radius zone to 6 miles southwest of the RBN;".

(Sec. 307(a), Federal Aviation Act of 1958; 72 Stat. 749; 49 U.S.C. 1348)

Issued in Jamaica, N.Y., on October 16, 1968.

GEORGE M. GARY,
Director, Eastern Region.

[F.R. Doc. 68-13045; Filed, Oct. 25, 1968; 8:46 a.m.]

[Airspace Docket No. 68-EA-77]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

On page 11783 of the FEDERAL REGISTER for August 20, 1968, the Federal Aviation Administration published proposed regulations which would designate a 700-foot transition area over Samuels Field, Bardstown, Ky.

Interested parties were given 30 days after publication in which to submit written data or views. No objections to the proposed regulations have been received.

In view of the foregoing, the proposed regulations are hereby adopted effective 0901 G.m.t., December 12, 1968.

(Sec. 307(a), Federal Aviation Act of 1958; 72 Stat. 749; 49 U.S.C. 1348)

Issued in Jamaica, N.Y., on October 16, 1968.

GEORGE M. GARY,
Director, Eastern Region.

Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a Bardstown, Ky., transition area as follows:

BARDSTOWN, KY.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center 37°48'50" N., 85°30'00" W. of Samuels Field, Bardstown, Ky.; within 2 miles each side of the Runway 20 centerline extended from the 5-mile radius area to 5 miles south of the end of the runway and within 2 miles each side of a 022° bearing from the Bardstown, Ky. RBN 37°50'52" N., 85°29'00" W. extending from the 5-mile radius area to 8 miles North of the RBN.

[F.R. Doc. 68-13046; Filed, Oct. 25, 1968; 8:46 a.m.]

[Airspace Docket No. 68-EA-71]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone and Transition Area

On page 11463 of the FEDERAL REGISTER for August 13, 1968, the Federal Aviation Administration published proposed regulations which would alter the Roanoke,

Va., control zone and 700-foot transition area.

Interested parties were given 30 days after publication in which to submit written data or views. No objections to the proposed regulations have been received.

In view of the foregoing, the proposed regulations are hereby adopted effective 0901 G.m.t., December 12, 1968.

(Sec. 307(a), Federal Aviation Act of 1958; 72 Stat. 749; 49 U.S.C. 1348)

Issued in Jamaica, N.Y., on October 16, 1968.

GEORGE M. GARY,
Director, Eastern Region.

1. Amend § 71.171 of Part 71 of the Federal Aviation Regulations so as to delete the description of the Roanoke, Va., control zone and insert in lieu thereof:

Within a 5-mile radius of the center, 37°-19'25" N., 79°58'35" W., of Roanoke Municipal Airport, Roanoke, Va., and within 2 miles each side of the ILS localizer SE course extending from the 5-mile radius zone to 2.5 miles southeast of the OM.

2. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to delete the description of the Roanoke, Va., 700-foot transition area and insert in lieu thereof:

That airspace extending upward from 700 feet above the surface within a 12-mile radius of the center 37°19'25" N., 79°58'35" W., of Roanoke Municipal Airport, Roanoke, Va., and within 2 miles each side of the Roanoke VOR 177° radial extending from the 12-mile radius area to 17 miles south of the Roanoke VOR.

[F.R. Doc. 68-13047; Filed, Oct. 25, 1968; 8:46 a.m.]

[Airspace Docket No. 68-EA-103]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone and Transition Area

The Federal Aviation Administration is amending §§ 71.171 and 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the Rome, N.Y., control zone and Utica, N.Y. transition area.

A revision to the TACAN 2 Runway 15 instrument approach procedure for Griffiss AFB, Rome, N.Y., requires a realignment of the northwest extension by 1°, from 305° to 306°.

Since the amendments herein are minor in nature and impose no additional burden on any person, notice and public procedure herein are unnecessary.

In view of the foregoing, the Federal Aviation Administration having reviewed the airspace requirements in the Rome, N.Y., terminal area, the amendments are effective 0901 G.m.t., December 12, 1968, as follows:

1. Amend § 71.171 of Part 71 of the Federal Aviation Regulations so as to delete in the Rome, N.Y., control zone description "305°" and insert in lieu thereof "306°".

2. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to delete in the Utica, N.Y., 700-foot floor transition area the words "Griffiss TACAN 305°" and insert in lieu thereof the words "Griffiss TACAN 306°".

(Sec. 307(a), Federal Aviation Act of 1958; 72 Stat. 749; 49 U.S.C. 1348)

Issued in Jamaica, N.Y., on October 16, 1968.

GEORGE M. GARY,
Director, Eastern Region.

[F.R. Doc. 68-13048; Filed, Oct. 25, 1968; 8:46 a.m.]

[Airspace Docket No. 68-WE-81]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the description of the Klamath Falls, Oreg., transition area.

The Air Force has developed a new JAL en route RADAR/TACAN instrument approach procedure to Kingsley Field incorporating a 20-nautical-mile arc transition to the final approach course. In order to provide controlled airspace protection for aircraft executing the prescribed procedure it is necessary to amend the 11,000-foot MSL portion of the transition area and designate a small portion of it as additional 9,500-foot MSL transition area.

Since this amendment is minor in nature, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended as hereinafter set forth:

In § 71.181 (33 F.R. 2205) the Klamath Falls, Oreg., transition area is amended by deleting all after "; that airspace extending upward from 9,500 feet MSL * * *" and substituting therefor "* * * within the area bounded by the arcs of 25- and 40-mile radius circles centered on the Klamath Falls VORTAC, extending clockwise from a line 5 miles east of and parallel to the VORTAC 165° radial to the 245° radial, and within the area bounded by the arcs of 25- and 28-mile radius circles centered on the Klamath Falls VORTAC, extending clockwise from the VORTAC 295° to the 320° radials; and that airspace extending upward from 11,000 feet MSL within the area bounded by the arcs of 28- and 40-mile radius circles centered on the Klamath Falls VORTAC, extending clockwise from the VORTAC 295° to the 320° radials.

Effective date. This amendment shall be effective 0901 G.m.t., January 9, 1969.

Issued in Los Angeles, Calif., on October 16, 1968.

A. E. HORNING,
Acting Director, Western Region.

[F.R. Doc. 68-13049; Filed, Oct. 25, 1968; 8:47 a.m.]

[Airspace Docket No. 68-CE-91]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Ashland, Mo., transition area.

The New Columbia, Mo., Airport is being renamed Columbia Regional Airport. Therefore it is necessary to alter the Ashland, Mo., transition area which presently refers to the New Columbia Airport to reflect the new name of this airport. Action is taken herein to effect this change.

Since this change is minor in nature and imposes no additional burden on any person, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended effective immediately as hereinafter set forth:

In § 71.181 (33 F.R. 2137), the following transition area is amended to read:

ASHLAND, MO.

That airspace extending upward from 700 feet above the surface within a 6-mile radius of Columbia, Mo. Regional Airport (latitude 38°48'55" N., longitude 92°13'05" W.); and within 2 miles each side of the Hallsville, Mo. VORTAC 192° radial, extending from the 6-mile radius area to 10 miles south of the VORTAC, excluding the portions which overlie the Columbia, Mo., 700-foot floor transition area.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued at Kansas City, Mo., on October 7, 1968.

JOHN A. HARGRAVE,
Acting Director, Central Region.

[F.R. Doc. 68-13050; Filed, Oct. 25, 1968; 8:47 a.m.]

[Airspace Docket No. 68-AL-19]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

PART 75—ESTABLISHMENT OF JET ROUTES

Designation of Federal Airway, Control Area, Additional Control Areas, Transition Area, Control Zone, Reporting Points and Establishment of Jet Routes

The purpose of these amendments to Parts 71 and 75 of the Federal Aviation Regulations is to designate controlled airspace for the safety of aircraft conducting instrument flight rule operations in the North Slope area of Alaska.

Recently discovered oil deposits in the Prudhoe Bay area on the Arctic Coast of Alaska have generated a significant amount of air traffic which is expected to increase substantially in the near future. The various oil companies have contracted with air carrier, air taxi, and other aircraft operators to provide immediate air support to this area. It is estimated that there will be 600 scheduled

air carrier flights, 3,250 IFR itinerant flights, and 12,000 VFR itinerant flights to the North Slope area in the next 12 months. The present activity to Sagwon and Prudhoe is six to 12 flights per day or about 6,000 operations per year.

The Federal Aviation Administration believes that IFR operations of this magnitude require the designation of controlled airspace and the implementation of air traffic control service to assure an adequate level of safety.

The Prudhoe Bay transition area will provide the controlled airspace within which air traffic service could be afforded to IFR air traffic approaching and departing the airports that support the exploration activities. The additional control areas and jet route will provide the controlled airspace necessary for access to the exploration sites by IFR air traffic. The Prudhoe Bay control zone would afford protection to IFR arrivals and departures at Prudhoe Bay Airport.

The Umiat to Point Barrow additional control area wil be designated on a part-time basis with times of effectiveness stated by NOTAM and will be in effect during the time the Point Barrow Flight Service Stations (FSS) is in operation. This is necessary as the Point Barrow FSS, a part-time facility, will handle flight plans and position reports on this route.

The FAA is commissioning a nondirectional radio beacon at Chandalar Lake. The RBNs at Point Barrow, Umiat, Sagwon, Lonely, Oliktok, Flaxman Island, and Barter Island, and a RBN, being installed at Prudhoe Bay will be certified for use in the national airspace system. The designated Alaskan low and high altitude reporting points will assist air traffic control in establishing the positions of aircraft operating along the additional control areas.

An additional control area from Point Barrow 1,200 feet AGL via Lonely, Alaska, RBN, Oliktok, Alaska, RBN, Flaxman Island, Alaska, RBN, to the Barter Island, Alaska, RBN, which is a required access route to the exploration area, extends in part beyond the continental limits of the United States and will be processed as Airspace Docket No. 68–WA–23, after coordination with the Department of State and the Department of Defense.

It is the opinion of the FAA that the designation of controlled airspace must be made as expeditiously as possible to provide the necessary protection to aircraft and occupants. Therefore, the Administrator has determined that notice and public procedure in compliance with the administrative procedure requirements of the "Government Organization and Employees Act" (5 U.S.C. 553) is impracticable.

In consideration of the foregoing, Part 71 and Part 75 of the Federal Aviation Regulations are amended effective 0901 G.m.t., December 12, 1968, as hereinafter set forth.

1. Section 71.109 (33 F.R. 2007) is amended as follows:

a. In B–26 "to the Fort Yukon, Alaska, RBN." is deleted and "the Fort Yukon, Alaska, RBN; 77 miles 12 AGL, 84 miles 115 MSL, 12 AGL Barter Island, Alaska, RBN." is substituted therefor.

2. In § 71.161 (33 F.R. 2050) the following is added:

a. Jet Route No. 120, from Fort Yukon, Alaska, to Barter Island, Alaska, RBN.

3. In § 71.163 (33 F.R. 2051) the following are added:

a. Fairbanks /Oliktok, Alaska.

From the Fairbanks, Alaska, LF RR, 48 nautical miles, 12 AGL, 65 MSL Chandalar, Alaska, RBN (lat. 67°30'44" N., long. 148°29'26" W.) 90 nautical miles, 95 MSL, 12 AGL Sagwon, Alaska, RBN (lat. 69°22'18" N., long. 148°41'57" W.) 12 AGL Prudhoe Bay Alaska, RBN (lat. 70°15'10" N., long. 148°20'13" W.) 12 AGL Oliktok, Alaska, RBN.

b. Sagwon/Flaxman Island, Alaska.

From the Sagwon, Alaska, RBN (lat. 69°22'18" N., long. 148°41'57" W.) 12 AGL Flaxman Island, Alaska, RBN.

c. Bettles/Prudhoe Bay, Alaska.

From the Bettles, Alaska RBN, 59 nautical miles 12 AGL, 76 nautical miles 95 MSL. 12 AGL Prudhoe Bay, Alaska, RBN (lat. 70°15'10" N., long. 148°20'13" W.).

d. Bettles/Umiat, Alaska.

From the Bettles, Alaska, RBN, 59 nautical miles 12 AGL, 31 nautical miles 95 MSL, 12 AGL Umiat, Alaska, RBN (lat. 69°23'15" N., long. 152°11'10" W.).

e. Umiat/Point Barrow, Alaska.

From the Umiat, Alaska, RBN (lat. 69°23'15" N., long. 152°11'10" W.) 21 nautical miles 12 AGL, 112 nautical miles 25 MSL, 12 AGL Point Barrow, Alaska, RBN. This additional control area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will be continuously published in the Alaska Airman's Guide and Chart Supplement.

f. Umiat/Prudhoe Bay, Alaska.

From the Umiat, Alaska, RBN (lat. 69°23'15" N., long. 152°11'10" W.) 12 AGL Prudhoe Bay, Alaska, RBN (lat. 70°15'10" N., long. 148°20'13" W.).

4. In § 71.171 (33 F.R. 2058) the following is added:

a. Prudhoe Bay, Alaska.

Within a 5-mile radius of Prudhoe Bay Airport (lat. 70°15'10" N., long. 148°20'13" W.).

5. In § 71.181 (33 F.R. 2137) the following is added:

a. Prudhoe Bay, Alaska.

That airspace extending upward from 700 feet above the surface within 2 miles each side of the Prudhoe Bay, Alaska, RBN (lat. 70°15'10" N., long. 148°20'13" W.) 076° bearing, extending from the RBN to 16 miles northeast, and within 2 miles northwest and 4 miles southeast of the Prudhoe Bay RBN 256° bearing extending from the RBN to 24 miles southwest, and that airspace extending upward from 1,200 feet above the surface within the area bounded by a line beginning at lat. 69°40'00" N., long. 153°00'00" W.; to lat. 70°33'00" N., long. 150°45'00" W.; thence east via 3 nautical miles offshore to lat. 70°14'00" N., long. 146°00'00" W.; to lat. 69°35'00" N., long. 146°00'00" W.; to lat. 69°00'00" N., long. 148°00'00" W.; to lat. 69°00'00" N., long. 153°00'00" W.; thence to point of beginning.

6. In § 71.211 (33 F.R. 2292) the following are added:

a. Chandalar, Alaska, RBN.

b. Prudhoe Bay, Alaska, RBN.

c. Sagwon, Alaska, RBN.

d. Umiat, Alaska, RBN.

7. In § 71.213 (33 F.R. 2294) the following are added:

a. Prudhoe Bay, Alaska, RBN.

b. Sagwon, Alaska, RBN.

8. Section 75.100 (33 F.R. 2349) is amended as follows:

a. Jet Route No. 120 is amended as follows:

(1) In the title "to Fort Yukon, Alaska." is deleted and "to Barter Island, Alaska." is substituted therefor.

(2) In the text "to Fort Yukon, Alaska." is deleted and "Fort Yukon, Alaska; to the Barter Island, Alaska, RBN." is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on October 23, 1968.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 68–13089; Filed, Oct. 25, 1968; 8:49 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER A—GENERAL

PART 8—COLOR ADDITIVES

Subpart—Provisional Regulations

POSTPONEMENT OF CLOSING DATES OF PROVISIONAL LISTING

The color additive amendments of 1960 (Public Law 86–618; 74 Stat. 404; 21 U.S.C. 376, note) authorize the Secretary of Health, Education, and Welfare to postpone the closing date of a provisional listing of a color additive on his own initiative or upon application of an interested person. Requests have been received to postpone the closing dates of provisional listings of a number of color additives because scientific investigations necessary for listing these color additives under section 706 of the Federal Food, Drug, and Cosmetic Act have not been completed.

The Commissioner of Food and Drugs finds that postponement of the closing dates of the provisionally listed color additives in this order is consistent with the protection of the public health. These extensions are granted on condition that, where applicable, progress reports be supplied on or before December 31, 1968.

Therefore, pursuant to the authority of the Federal Food, Drug, and Cosmetic Act (sec. 203(a)(2), Public Law 86–618; 74 Stat. 404; 21 U.S.C. 376, note), delegated to the Commissioner (21 CFR 2.120), § 8.501 *Provisional lists of color additives* is amended as follows:

1. In paragraph (b) *Color additives previously and presently subject to certification and provisionally listed for drug and cosmetic use,* the closing dates of D&C Green No. 5, D&C Green No. 6, D&C Yellow No. 10, D&C Yellow No. 11, D&C Red No. 30, D&C Red No. 33, and D&C Blue No. 6 are changed to December 31, 1968.

2. In paragraph (c) *Color additives previously and presently subject to certification and provisionally listed for use in externally applied drugs and cosmetics,* the closing dates of Ext. D&C Yellow No. 1 and Ext. D&C Green No. 1 are changed to December 31, 1968.

3. In paragraph (e) *Color additives provisionally listed for food use on the basis of prior commercial sale but which have not been nor are now subject to certification,* the closing date of carbon black (prepared by the "impingement" or "channel" process) is changed to December 31, 1968.

4. In paragraph (f) *Color additives provisionally listed for drug use on the basis of prior commercial sale but which have not been nor are now subject to certification,* the closing date for carbon black ("impingement" or "channel" process) is changed to December 31, 1968.

5. In paragraph (g) *Color additives provisionally listed for cosmetic use on the basis of prior commercial sale but which have not been nor are now subject to certification,* the closing dates of carbon black (prepared by the "impingement" or "channel" process) and chlorophyll copper complex and chlorophyllin copper complex are changed to December 31, 1968.

Notice and public procedure and delayed effective date are unnecessary prerequisites to the promulgation of this order, and I so find, since section 203(a)(2) of Public Law 86-618 provides for this issuance.

Effective date. This order is effective as of September 30, 1968.

(Sec. 203(a)(2), Public Law 86-618; 74 Stat. 404; 21 U.S.C. 376, note)

Dated: October 18, 1968.

HERBERT L. LEY, JR.,
Commissioner of Food and Drugs.

[F.R. Doc. 68-13076; Filed, Oct. 25, 1968; 8:48 a.m.]

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 53—TOMATO PRODUCTS

Tomato Catsup, Identity Standard; Confirmation of Effective Date of Order Deleting Restrictions on Use of Dextrose, Corn Sirup, and Glucose Sirup as Sweetening Ingredients

In the matter of amending the definition and standard of identity for catsup (21 CFR 53.10) to delete the requirement that dextrose may be used only in a mixture with sugar and to remove the provision limiting the proportion of corn sirup and glucose sirup that may be used when the solids of such corn sirup and glucose sirup contain a minimum of 58 percent by weight of reducing sugars calculated as anhydrous dextrose:

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), notice is given that no objections were filed to the order in the above-identified matter published in the FEDERAL REGISTER of August 28, 1968 (33 F.R. 12139). Accordingly, the amendment promulgated by that order will become effective October 27, 1968.

Dated: October 15, 1968.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 68-13077; Filed, Oct. 25, 1968; 8:49 a.m.]

Title 22—FOREIGN RELATIONS

Chapter I—Department of State

[Dept. Reg. 108.595]

PART 42—VISAS: DOCUMENTATION OF IMMIGRANTS UNDER THE IMMIGRATION AND NATIONALITY ACT, AS AMENDED

Immigrant Visa Fees

Part 42, Chapter I, Title 22 of the Code of Federal Regulations is amended pursuant to the Act of October 21, 1968, to eliminate all reference to statutory fees for the application for and issuance of immigrant visas as previously prescribed by section 281(a) of the Immigration and Nationality Act, and to establish administratively fees for such services as authorized by Executive Order No. 10718 of June 27, 1957 (3 CFR 382).

1. Section 42.117(a) is amended to read as follows:

§ 42.117 Execution of visa application.

(a) *Application fee.* A fee of $5 is prescribed for the furnishing and verification of each application for an immigrant visa. It shall be collected prior to the execution of the application and a fee receipt shall be issued.

* * * * *

2. Section 42.121 is amended to read as follows:

§ 42.121 Visa fees.

A fee of $20 is prescribed for the issuance of an immigrant visa. The fee shall be collected after the execution of the application and completion of the visa interview, and a fee receipt shall be issued. A fee collected for the application for or issuance of an immigrant visa is refundable only when the principal officer at a post or the officer in charge of a consular section determines that the visa was issued in error or could not be used as a result of action by the U.S. Government over which the alien had no control and for which he was not responsible.

Effective date. The amendments to the regulations contained in this order shall become effective October 21, 1968.

The provisions of section 4 of the Administrative Procedure Act (80 Stat. 383; 5 U.S.C. 553) relative to notice of proposed rule making are inapplicable to this order because the regulations contained herein involve foreign affairs functions of the United States.

(Sec. 104, 66 Stat. 174; 8 U.S.C. 1104)

FREDERICK SMITH, JR.,
Acting Administrator, Bureau of Security and Consular Affairs.

OCTOBER 24, 1968.

[F.R. Doc. 68-13107; Filed, Oct. 25, 1968; 8:49 a.m.]

Title 24—HOUSING AND HOUSING CREDIT

Subtitle A—Office of the Secretary, Department of Housing and Urban Development

PART 25—REINSURANCE FOR RIOT OR CIVIL DISORDER LOSSES

1. Sections 25.1 through 25.18 of Part 25 are designated Subpart A as follows:

Subpart A—Binder of Reinsurance

2. Sections 25.2, 25.11, and 25.17 are revised to change "part" to "subpart" and, as revised, read as follows:

§ 25.2 Definitions.

As used in this subpart:

* * * * *

§ 25.11 Offer to bind reinsurance.

The Secretary of Housing and Urban Development, subject to the terms and conditions set forth in this subpart, offers to bind reinsurance against a company's excess aggregate losses resulting from riots or civil disorders in the lines of mandatory and optional lines of property insurance coverage purchased by the company as separately designated by the company for each State.

§ 25.17 Effective date of offer to bind reinsurance.

The Secretary's offer to bind reinsurance under the terms and conditions set forth in this subpart is effective at the time these §§ 25.1 through 25.18 were filed for public inspection at the office of the Federal Register (Aug. 1, 1968, 3:22 p.m.).

3. Subpart B is added to read as follows:

Subpart B—Standard Reinsurance Contract

Sec.
25.20 Statement of applicable law.
25.21 Definitions.
25.22 Offer to provide reinsurance.
25.23 Effective date of offer.
25.24 Acceptance of offer.
25.25 Policies reinsured.
25.26 Premiums.

AUTHORITY: The provisions of this Part 25 issued under sec. 1103, 82 Stat. 556, 12 U.S.C. 1749bbb.

Subpart B—Standard Reinsurance Contract

§ 25.20 Statement of applicable law.

Section 1103 of the Urban Property Protection and Reinsurance Act of 1968, title XI of the Housing and Urban Development Act of 1968, 12 U.S.C. 1749bbb, amends the National Housing Act by adding a new title XII to provide for a National Insurance Development Program. Pursuant to title XII of this act, the Secretary of Housing and Urban Development is authorized to offer to any insurer reinsurance against losses resulting from riots or civil disorders in any one or more States, on all standard lines of property insurance enumerated under subparagraphs (A) through (E) of section 1203(a)(10) together, and, with respect to any State in which such reinsurance is purchased, to offer reinsurance on any one or more standard lines of property insurance enumerated under subparagraphs (F) through (J) of section 1203(a)(10) of the Act.

§ 25.21 Definitions.

As used in this subpart:

(a) "Reinsurer" means the Secretary of Housing and Urban Development.

(b) "Contract" means the standard reinsurance contract.

(c) "Losses" means all claims, proved and approved by the company under reinsured policies, resulting from riots or civil disorders during the period of the contract together with direct expenses incurred in the investigation, appraisal, adjustment, and defense of such claims, after making proper deduction for recoveries other than reinsurance, plus unallocated loss adjustment expenses, hereby agreed to equal five and eleven one hundredths per centum (5.11%) of the net amount of all the foregoing, provided that no unallocated loss adjustment expense shall be allowed for the excess over $250,000 of any loss incurred by the company at any one location.

(d) "Riots or civil disorders" means:

(1) Any tumultuous disturbance of the public peace by three or more persons mutually assisting one another in the execution of a common purpose by the unlawful use of force and violence resulting in property damage of any kind;

(2) Two or more unlawful and terroristic acts or occurrences which, under similar circumstances, take place within reasonable proximity as to time and place, at least two of which acts or occurrences each result in property damage of any kind in excess of $1,000; or

(3) Any other unlawful and terroristic act or occurrence, resulting in property damage of any kind, which may reasonably be determined by the reinsurer, on the basis of evidence submitted by the company, to have been, under the circumstances, a form of civil disorder.

(e) "Aggregate losses" means the sum total of losses resulting from riots or civil disorders occurring in (or allocable to) a State during the period of the contract and, if the contract continues coverage initially provided under a binder of reinsurance without lapse, shall include any aggregate losses incurred under such binder coverage.

(f) "Excess aggregate losses" means that part of aggregate losses which is equal to the sum of:

(1) Ninety per centum (90%) for that part of the aggregate losses which exceeds the net retention but does not exceed the sum of the net retention and an amount equal to twenty per centum (20%) of the specified percentage of the company's direct premiums earned for the calendar year 1968;

(2) Ninety-five per centum (95%) for that part of the aggregate losses which exceeds the sum of the net retention and an amount equal to twenty per centum (20%) of the specified percentage of the company's direct premiums earned for the calendar year 1968 but does not exceed the sum of the net retention and an amount equal to sixty per centum (60%) of such specified percentage; and

(3) Ninety-eight per centum (98%) for that part of the aggregate losses which exceeds the sum of the net retention and an amount equal to sixty per centum (60%) of the specified percentage of the company's direct premiums earned for the calendar year 1968.

However, if the contract continues coverage initially provided under the binder without lapse, excess aggregate losses shall be adjusted by the amount of the excess aggregate losses incurred with respect to the binder period.

(g) "Net retention" means the amount of aggregate losses that the company must stand before the reinsurer's liability under the contract attaches and shall be one aggregate figure for each State which figure shall be determined by applying a factor of two per centum (2%) to the specified percentage of the company's direct premiums earned in the State for the calendar year 1968 on those lines of insurance reinsured under the contract.

(h) "Specified percentage" means one hundred per centum (100%) of each line of insurance reinsured under the contract except that the specified percentage of Homeowners multiple peril shall be eighty-five per centum (85%) and that of Commercial multiple peril shall be sixty-five per centum (65%).

(i) "Direct premiums earned" means direct premiums earned as reported in column 2 on page 14 of the company's Fire and Casualty Annual Statements, for the appropriate calendar year, in the form adopted by the National Association of Insurance Commissioners subject to adjustment as approved by the reinsurer for cessions to pools, facilities, and associations and for the inclusion of participation shares in such pools, facilities, and associations and such other appropriate adjustments as may be approved or required by the reinsurer.

(j) "Company" means any insurer or insurers authorized to engage in the insurance business under the laws of any State for which reinsurance is to be provided under the contract except that, if there are two or more insurers within a State in which reinsurance is to be provided under the contract which, as determined by the reinsurer:

(1) Are under common ownership;

(2) Ordinarily operate on a group basis; or

(3) Are under single management direction, then all such related, associated, or affiliated insurers shall be reinsured only as one aggregate entity.

(k) "State pool or other facility" means any pool or facility required under State law or approved by the State insurance authority which is formed, associated, or otherwise created as part of a statewide plan for the purpose of making property insurance more readily available.

(l) "Property owner" means any individual or group of individuals, corporation, partnership, or association, or any other organized group of persons having an insurable interest in any real, personal, or mixed real and personal property.

§ 25.22 Offer to provide reinsurance.

Pursuant to the provisions of the Urban Property Protection and Reinsurance Act of 1968 and subject to the terms and conditions set forth in this subpart, the reinsurer offers to enter into a contract to pay, as reinsurance of the company, the amount of the company's excess aggregate losses resulting from riots or civil disorders in such lines of mandatory and optional coverage as may be designated by the company separately for each State.

§ 25.23 Effective date of offer.

The reinsurer's offer to provide reinsurance under the terms and conditions set forth in this subpart is effective at the time this document is filed for public inspection at the Office of the Federal Register (Oct. 24, 1968, 2:26 p.m.).

§ 25.24 Acceptance of offer.

(a) Acceptance of this offer shall be by telegraphed or mailed notice of acceptance to the reinsurer. The date of dispatch of this notice of acceptance, which date shall be no later than 12 p.m., e.s.t., October 29, 1968, must be clearly shown either by telegraph dispatch notation or postmark.

(b) The telegram or letter accepting this offer of reinsurance must indicate the States in which reinsurance on lines of mandatory coverage is to be provided and must specifically designate for each such State the lines of optional coverage for which reinsurance is to be provided.

This notice of acceptance shall be in substantially the following form:

The [name of insurer or insurers] hereby accepts the offer as filed with the Federal Register of a Standard Reinsurance Contract pursuant to the Urban Property Protection and Reinsurance Act of 1968 for the mandatory and [specify] optional lines in the following States: [specify].

(c) Any company accepting this offer of reinsurance in accordance with paragraphs (a) and (b) of this section shall be supplied copies of the Standard Reinsurance Contract, HUD–1601, for execution and return to the reinsurer.

§ 25.25 Policies reinsured.

(a) Reinsurance, under a Standard Reinsurance Contract provided pursuant to this offer, shall apply to:

(1) All policies or contracts of insurance (unless otherwise reinsured by the reinsurer under subparagraphs (2) and (3) of this paragraph) issued by the company to any property owner;

(2) The company's participation shares (to the extent not otherwise reinsured by the reinsurer under subparagraphs (1) and (3) of this paragraph) in any State pool or other facility required under the State law or approved by the State insurance authority as a part of a statewide plan to improve the availability of essential property insurance in urban areas; and

(3) As may be approved by the reinsurer, the company's participation shares (to the extent not otherwise reinsured by the reinsurer under subparagraphs (1) and (2) of this paragraph) in any continuing organization or association of insurers created to meet special problems of insurability,

which policies, contracts, or participation shares are in force on the effective date of the contract or which commence or are renewed on or after such effective date in all the mandatory and in such optional standard lines of property insurance listed under paragraphs (b) and (c) of this section as may be designated separately for each State.

(b) The lines of mandatory coverage are:

(1) Fire and extended coverage;

(2) Vandalism and malicious mischief;

(3) Other allied lines of fire insurance;

(4) Burglary and theft; and

(5) Those portions of multiple peril policies covering similar perils to those provided in subparagraphs (1), (2), (3), and (4) of this paragraph.

(c) The lines of optional coverage are:

(1) Inland marine;

(2) Glass;

(3) Boiler and machinery;

(4) Ocean marine; and

(5) Aircraft physical damage.

(d) If any portion of the coverage provided under a binder of reinsurance issued by the reinsurer to the company is not to be continued under the contract, the premiums, retentions, assessments, and excess aggregate losses applicable to such terminated coverages shall be adjusted and settled upon the terms and conditions set forth in the binder. If coverage under the contract includes coverages not included under the binder, then premiums required with respect to such coverages shall be computed as of the inception of the contract without regard to the binder.

§ 25.26 Premiums.

The reinsurance premium to be due to the reinsurer for the coverage provided under the contract of reinsurance shall be computed by applying an annual rate of one and one quarter per centum (1.25%) to the specified percentage of the company's direct premiums earned in each State in reinsured lines for the calendar year 1968. The reinsurance premium shall be prorated in the ratio of:

(a) The number of days of coverage to be provided from the date of inception of coverage to April 30, 1969, to,

(b) 365.

An advance premium, which shall be an estimated premium only, shall be computed with respect to direct premiums earned for the calendar year 1967 in the manner required for the computation of the reinsurance premium and shall be paid within 15 days of demand for payment thereof. If coverage provided under a binder of reinsurance between the reinsurer and the the company is continued under the contract with no lapse following the termination of the binder, the premium paid for such binder coverage will be applied as a credit against the premiums required to be paid under the contract.

§ 25.27 Assessments.

If one or more other insurers, reinsured by the reinsurer under standard reinsurance contracts, incur aggregate losses, in any State, in any reinsured lines during the period of the contract, which exceed the net retention for such lines and, as a result, lodge claims against the reinsurer, then the company, on demand of the reinsurer, shall pay to the reinsurer an assessment sufficient to meet the company's equitable share of excess aggregate losses in the State in excess of the aggregate amount of reinsurance premiums paid into the National Insurance Development Fund, for the period beginning on August 1, 1968, and ending on April 30, 1969, with respect to reinsurance provided in such State, which share shall be in the proportion that

(a) The amount, if any, by which the company's net retention in lines reinsured under the contract in such State exceeds the company's aggregate losses in such lines, bears to

(b) The aggregate amount of unabsorbed net retention for all the lines of insurance of all insurers reinsured under the contract in such State,

but such share shall not exceed the amount of the company's unabsorbed net retention under paragraph (a) of this section. An assessment will be required only after the termination of coverage provided by the contract.

§ 25.28 Claims.

(a) The company reinsured under the contract shall advise the reinsurer whenever it appears that aggregate losses have been incurred in an amount which approaches seventy-five per centum (75%) of the company's net retention based upon direct premiums earned for the calendar year 1967 in any State.

(b) When the company has incurred aggregate property losses which exceed the net retention, the company may make claim upon the reinsurer for the payment of excess aggregate losses by filing a certification of loss and thereafter such supporting documentation of losses as may be required by the reinsurer, and following the receipt of such certifications and documentations the reinsurer shall, in such installments and on such conditions as may be determined by the reinsurer to be appropriate (including advance payments made on the basis of preliminary certifications of loss), promptly pay to the company such excess aggregate losses subject to adjustments on account of underpayments or overpayments.

(c) If the ultimate amount of losses to be paid by the company has not been finally determined when the certification of loss is filed, the company shall, in due course, file one or more supplementary certifications of loss, and thereafter the reinsurer or the company, as the case may be, shall pay the balance due.

(d) Claims paid pursuant to computations of net retentions based upon the direct premiums earned for the calendar year 1967 shall be recomputed and adjusted at the termination of the coverage provided by the contract on the basis of direct premiums earned in reinsured lines for the calendar year 1968.

§ 25.29 Inception and expiration dates.

(a) The Standard Reinsurance Contract shall be entered into on or before October 29, 1968, and shall be in effect from 12 p.m., eastern standard time, October 29, 1968, except that binder coverage continued by the company without a lapse shall be considered coverage under the contract as and when such binder coverage became effective. All coverage under the contract shall expire at 12 p.m., eastern standard time, April 30, 1969, unless sooner terminated.

(b) The contract may be canceled by the company:

(1) Upon notice by the company to the reinsurer that it desires to cancel its reinsurance contract with the reinsurer in any State; and

(2) Upon the company's commitment to pay:

(i) The full premium due for coverage provided under a binder of reinsurance if such coverage is continued under the contract without lapse; or, if greater,

(ii) The premium due under the contract for coverage afforded under this contract prorated in the ratio of the number of days for which coverage was provided prior to the cancellation of the contract plus thirty to the total number of days of coverage provided under the contract from the inception of such coverage up to and including April 30, 1969.

In the event of any cancellation of reinsurance coverage under this paragraph (b), the net retention and assessment of such company shall be computed, without proration, on the basis of the direct premiums earned for the calendar year 1968.

§ 25.30 Adjustments.

The company shall report to the reinsurer, on or before May 30, 1969, its direct premiums earned for the calendar year 1968 in all reinsured lines in all States for which reinsurance was provided under the contract, for the purpose of computing and adjusting the reinsurance premium due to the reinsurer with respect to the coverage provided, and, on or before July 31, 1969, its aggregate losses, for the purpose of computing and adjusting excess aggregate losses and assessments. Any overpayment or underpayment between the reinsurer and the company shall be adjusted and paid in accordance with the obligations assumed under the contract.

§ 25.31 Insolvency.

(a) In the event of insolvency of the company the reinsurance under the contract shall be payable by the reinsurer to the company or to its liquidator, receiver, or statutory successor on the basis of the liability of the company under all policies, contracts, or participation shares reinsured without diminution because of the insolvency of the company.

(b) It is further agreed that the liquidator, receiver, or statutory successor of the company shall give written notice to the reinsurer of the pendency of any claim against the company on the policies, contracts, or participation shares reinsured within a reasonable time after such claim is filed in the insolvency proceeding, and that during the pendency of such claim the reinsurer may investigate such claim and interpose, at its own expense, in the proceeding where such claim is to be adjudicated, any defense or defenses which may be deemed available to the company or its liquidator, receiver, or statutory successor. The expense thus incurred by the reinsurer shall be chargeable, subject to court approval, against the company as part of the expense of liquidation to the extent of a proportionate share of the benefit which may accrue to the company solely as a result of the defense undertaken by the reinsurer.

§ 25.32 Errors and omissions.

Inadvertent delays, errors, or omissions made in connection with the contract or any transaction under the contract shall not relieve either party from any liability which would have attached had such delay, error, or omission not occurred, provided always that such delay, error, or omission is rectified as soon as possible after discovery.

§ 25.33 Restriction of benefits.

No Member of or Delegate to Congress, or Resident Commissioner, shall be admitted to any share or part of the contract, or to any benefit that may arise therefrom; but this provision shall not be construed to extend to the contract if made with a corporation for its general benefit.

§ 25.34 Participation in statewide plans.

No reinsurance shall be offered under the contract in any State unless there is in effect in such State on or before October 29, 1968, a statewide plan to make essential property insurance more widely available and the company is, on such date, participating in such plan and unless, in the case of a State in which a State pool or other facility has been established pursuant to State law, the company is participating in such State pool or other facility. The company shall also file a statement with the State insurance authority in each State in which it is participating in such plan pledging its full participation and cooperation in carrying out the plan, and shall file a copy of such statement with the reinsurer. The company shall not direct any agent, broker, or other producer not to solicit business through such plans and shall not penalize in any way any agent, broker, or other producer for submitting applications for insurance under such plans. The company shall also establish and carry out an education and public information program to encourage agents, brokers, and other producers to utilize the programs and facilities available under such statewide plans.

§ 25.35 Limitations on reinsurance.

(a) Reinsurance under the contract shall not be applicable to insurance policies written in a State by the company:

(1) After 30 days following notification to the company that the reinsurer has found (after consultation with the State insurance authority) that it is necessary to have a suitable program adopted, in addition to required statewide plans, to make essential property insurance available without regard to environmental hazards and that such a program has not been adopted;

(2) After 30 days following notification to the company that the reinsurer has found (after consultation with the State insurance authority) or that the State insurance authority has found that the company is not fully participating in the statewide plan; and, where it exists, in a State pool or other facility; and, where it exists, in any other program found necessary to make essential property insurance more readily available in the State; or

(3) Following a merger, acquisition, consolidation, or reorganization involving the company and one or more insurers with or without such reinsurance, unless the surviving insurer meets all conditions for eligibility for reinsurance and within 10 days pays any reinsurance premiums due.

(b) Notwithstanding paragraph (a) of this section, reinsurance may at the election of the reinsurer be continued, up to and including April 30, 1969, for the term of such policies and contracts reinsured prior to the date of termination of reinsurance under this section for as long as the company pays the reinsurance premiums in such amounts as may be required, and for the purposes of this section the renewal, extension, modification, or other change in a policy or contract for which any additional premium is charged shall be deemed to be a policy or contract written on the date such change was made.

§ 25.36 Arbitration.

(a) If any misunderstanding or dispute arises between the company and the reinsurer with reference to the amount of premium due, the amount of loss, or any other factual issue under any provision of the contract, other than as to legal liability or interpretation of law, such misunderstanding or dispute may be submitted to arbitration for a determination which shall be binding only upon approval by the reinsurer. The company and the reinsurer may agree on and appoint an arbitrator who shall investigate the subject of the misunderstanding or dispute and make his determination. If the company and the reinsurer cannot agree on the appointment of an arbitrator, then two arbitrators shall be appointed, one to be chosen by the company and one by the reinsurer. The two arbitrators so chosen, if they are unable to reach an agreement, shall select a third arbitrator who shall act as umpire, and such umpire's determination shall become final only upon approval by the reinsurer. The company and the reinsurer shall bear equally all expenses of the arbitration.

(b) Findings, proposed awards, and determinations resulting from arbitration proceedings carried out under this section shall, upon objection by the reinsurer or the company, be inadmissible as evidence in any subsequent proceedings in any court of competent jurisdiction.

§ 25.37 Access to books and records.

The reinsurer and the Comptroller General of the United States, or their duly authorized representatives, shall have access for the purpose of investigation, audit, and examination to any books, documents, papers, and records of the company that are pertinent to the business reinsured under the contract. Such audits shall be conducted to the maximum extent feasible in cooperation with the State insurance authorities and through the use of their examining facilities. The company shall keep reasonable records which fully disclose all matters pertinent to the business reinsured under the contract and such other records as will facilitate an effective audit of the liability for reinsurance payments by the reinsurer.

§ 25.38 Information and annual statements.

The company shall furnish to the reinsurer such summaries and analyses of information in the company's records as may be necessary to carry out the purposes of the Urban Property Protection and Reinsurance Act of 1968, in such

form as the reinsurer, in cooperation with the State insurance authority, shall prescribe, and the company shall file with the reinsurer a true and correct copy of the company's Fire and Casualty Annual Statement, or amendment thereof, filed with the State insurance authority of the company's domiciliary State, at the time the company files such statement or amendment with the State insurance authority. The company shall also file with the reinsurer an equivalent page 14 of such annual statement for each State in which reinsurance is provided under the contract.

Effective date. This subpart is effective at the time this document is filed for public inspection at the Office of the Federal Register.

ROBERT C. WEAVER,
Secretary of Housing and Urban Development.

[F.R. Doc. 68-13103; Filed, Oct. 24, 1968; 2:26 p.m.]

Title 29—LABOR

Chapter XIV—Equal Employment Opportunity Commission

PART 1601—PROCEDURAL REGULATIONS

Determination of Reasonable Cause

By virtue of the authority vested in it by section 713(a) of Title VII of the Civil Rights Act of 1964, 42 U.S.C. 2000e-12, 78 Stat. 265, the Equal Employment Opportunity Commission hereby amends Title 29, Chapter XIV, Subpart B, section 1601.19 of the Code of Federal Regulations.

Because the amendments herein adopted are procedural in nature, the provisions of section 4 of the Administrative Procedure Act, 5 U.S.C. 1003, for public notice and delay in effective date are inapplicable. This amendment shall become effective as to all Commission determinations made on or after November 1, 1968.

§ 1601.19 Determination as to reasonable cause.

(a) Upon the completion of an investigation, if the Commission determines that the charge fails to state a valid claim for relief under Title VII, or that there is not reasonable cause to believe that a charge is true, the Commission shall dismiss the charge. Where, however, the Commission determines that there is reasonable cause to believe that an unlawful employment practice has occurred or is occurring, it shall endeavor to eliminate such practice by informal methods of conference, conciliation and persuasion.

(b) The Commission shall promptly notify the charging party, the respondent and, in the case of a charge filed under § 1601.10, the person aggrieved, if known, of its determination under paragraph (a) of this section. The Commission's determination is final when issued; therefore, requests for reconsideration will not be granted. The Commission may, however, on its own motion, reconsider its determination at any time and, when it does so, the Commission shall promptly notify the charging party, the respondent, and, in the case of a charge filed under § 1601.10, the person aggrieved, if known, of its intention to reconsider its determination, and of its subsequent decision on reconsideration.

(c) Where a member of the Commission has filed a charge under § 1601.10, he shall not participate in the determination in that case.

(d) Notwithstanding any other provision in this part, where the allegations of a charge on their face, or as amplified by the statements of the charging party to the Commission, disclose that the charge is not timely filed or otherwise fails to state a valid claim for relief under title VII, the Commission may dismiss the case without further action, but it shall notify the charging party in writing of its disposition of the case and the reasons therefore. The Commission's dismissal of a charge becomes final when issued; therefore, requests for reconsideration will not be granted. The Commission may, however, on its own motion, reconsider such dismissal at any time and, if it does so, the Commission shall promptly notify the charging party of its decision.

(Sec. 713, 78 Stat. 265; 42 U.S.C. 2000e-12)

Effective Date: November 1, 1968.

Signed at Washington, D.C., this 22d day of October 1968.

[SEAL] CLIFFORD L. ALEXANDER, Jr.,
Chairman.

[F.R. Doc. 68-13061; Filed, Oct. 25, 1968; 8:47 a.m.]

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

MISCELLANEOUS AMENDMENTS TO CHAPTER

The regulations of the Post Office Department are amended as follows:

I. Part 148 is amended to provide a uniform procedure for increasing the proper account in the amount of any revenue deficiency.

PART 148—REVENUE DEFICIENCIES

§ 148.1 Deficiencies developed by audit.

(a) *Developed by Postal Inspector audit—(1) Amounts of $100 or less.* The postmaster must, upon the request of the inspector, increase the proper revenue account by the amount of the deficiency. If the amount due is not collected at the time of the inspector's request, the postmaster must enter the item in A/C 11919, suspense, and liquidate the item within 30 days by collection from the debtor or with personal funds.

(2) *Amounts over $100.* The report of the deficiency will first be reviewed by the Classification and Special Services Division. By report on Form 3581, Notice of Revenue Deficiency, the Classification and Special Services Division will notify the proper postal data center of the amount of the revenue deficiency. A Form 813, Statement of Differences, will be issued by the postal data center to the postmaster, accompanied with a copy of Form 3581. When Form 813 is received from the postal data center the postmaster must immediately enter the deficiency in A/C 11935, Audit Difference Due United States, carry the item in A/C 11919, suspense, and take immediate action to collect the amount due from the debtor. If collection is not made within 30 days, the matter must be reported to the regional controller.

(b) *Developed by local financial examination or audit.* Whenever a revenue deficiency is developed as result of an examination or audit performed in accordance with § 126.6(f) of this chapter, the postmaster must increase the proper revenue account by the amount of the deficiency. If the amount is $100 or less, and not immediately collected, the postmaster must enter the item in A/C 11919, suspense, and liquidate the item within 30 days by collection from the debtor or with personal funds. If the amount is over $100 and collection is not made within 15 days, the matter must be reported to the local inspector in charge. After attention by the inspector, the report of the deficiency will be reviewed by Classification and Special Services Division and handled as provided in paragraph (a)(2) of this section.

NOTE: The corresponding Postal Manual Part is Part 148.

(5 U.S.C. 301, 39 U.S.C. 501)

PART 154—CONDITIONS OF DELIVERY

II. In § 154.2 that part of paragraph (a)(2) which precedes subdivision (i) thereof is amended to add the conditions under which verification is made of references and addresses furnished on Form 1583.

§ 154.2 Delivery of addressee's mail to another.

(a) *Delivery to addressee's agent.* * * *

(2) When mail is to be delivered to a commercial mail receiving agency, Form 1583, Application for Delivery of Mail Through Agent, must be signed by both the commercial agent and the addressee. The original of the completed Form 1583 must be filed with the postmaster and a duplicate copy of the completed Form 1583 must be kept on file by the commercial agency. The original copy of Form 1583 will be filed without verifying the addresses shown thereon and without obtaining statements from the references given unless the postmaster is specifically requested to do so by the local inspector in charge, or when there is reason to believe the mails will be, or are being, used for unlawful purpose. In consideration of delivery of the mail to the commercial agent, the addressee and the agent are deemed to agree that:

* * * * *

NOTE: The corresponding Postal Manual section is 154.212.

(5 U.S.C. 301, 39 U.S.C. 501, 4004, 4101–4103)

PART 158—UNDELIVERABLE MAIL

III. In § 158.1 paragraph (c) is added to provide that address correction service is not applicable to mail addressed for delivery to the addressee by military personnel at any military installation, including overseas APO's and FPO's.

§ 158.1 Provisions applicable to all classes.

* * * * *

(c) *Mail delivered by military personnel.* The address correction service provided by § 158.2 (a),(d)(3), and (e) of this chapter is not applicable to mail addressed for delivery to the addressee by military personnel at any military installation including overseas APO's and FPO's.

NOTE: The corresponding Postal Manual section is 158.13.

(5 U.S.C. 301, 39 U.S.C. 501, 4101–4110)

TIMOTHY J. MAY,
General Counsel.

OCTOBER 22, 1968.

[F.R. Doc. 68–13041; Filed, Oct. 25, 1968; 8:46 a.m.]

Title 45—PUBLIC WELFARE

Chapter III—Bureau of Federal Credit Unions, Social Security Administration, Department of Health, Education, and Welfare

PART 301—ORGANIZATION AND OPERATION OF FEDERAL CREDIT UNIONS

PART 320—DISCLOSURE OF OFFICIAL RECORDS—AVAILABILITY OF INFORMATION

Disclosure of Information

Public Law 90–23, the Public Information Act (5 U.S.C. 552), prescribes additional standards for making information available to the public. Implementing regulations for the Department of Health, Education, and Welfare and the applicable statement of organization, functions, and delegations of authority for the Social Security Administration have been published in the FEDERAL REGISTER.[1]

The following amendments to the regulations of the Bureau of Federal Credit Unions are designed to further supplement Public Law 90–23.

Due to the technical nature of the amendments, the Director finds that the procedure for advance notice and comment would be impracticable, unnecessary, and contrary to the public interest.

1. Sections 301.14–301.17 of Part 301 are revised to read as follows:

[1] 32 F.R. 9315, as amended by 32 F.R. 14894, 32 F.R. 10458.

§ 301.14 Instructions for officials.

The Bureau has published a number of manuals and booklets for use by officials of Federal credit unions in carrying out their duties. Officials should be familiar with the contents of the manuals dealing with their areas of responsibility. Even when not described as mandatory, the guidelines and instructions contained in these publications should be given serious consideration, since they grew out of many years of experience in the supervision of Federal credit unions.

(a) *Handbook for Federal credit unions.* This manual, designated FCU–543, contains instructions for directors and officers of Federal credit unions. A copy is mailed to each Federal credit union at the time the approved organization certificate is delivered to the incorporators by the Bureau. Additional copies are for sale at the Government Printing Office. Revisions in the Handbook are made from time to time and are mailed to all Federal credit unions. Announcements of revisions are carried in the BFCU Bulletin for the benefit of the general public. The Handbook contains a "ready reference," which indexes the Handbook, the Federal Credit Union Act, standard bylaws, the rules and regulations, and the accounting, supervisory committee and credit manuals. The reference is updated as necessary.

(b) *Accounting manual for Federal credit unions.* This manual, designated FCU–544, contains information on standard accounting procedures, types of records, and standard accounting forms for Federal credit unions. Provision is made for the development of substitutes for any of the forms and for their use without advance approval by the Bureau. The substitute forms, however, must meet criteria set forth in the manual. A copy of the manual is mailed to each Federal credit union at the time the approved organization certificate is delivered to the incorporators by the Bureau. Additional copies are for sale at the Government Printing Office. Revisions are handled in the same way as revisions for the Handbook.

(c) *Supervisory committee manual for Federal credit unions.* This manual, designated FCU–545, contains auditing procedures to be followed by supervisory committees of Federal credit unions and samples of audit workpapers for the use of committee members. A copy is mailed to each Federal credit union at the time the approved organization certificate is delivered to the incorporators by the Bureau. Additional copies are for sale at the Government Printing Office. Revisions are handled in the same way as revisions for the Handbook.

(d) *Credit manual for Federal credit unions.* This manual, designated FCU–548, contains instructions for members of the credit committee, for loan officers, and for other officials and employees of Federal credit unions. A copy is mailed to each Federal credit union at the time the approved organization certificate is delivered to the incorporators by the Bureau. Additional copies are for sale at the Government Printing Office. Revisions are handled in the same way as revisions for the Handbook.

(e) *Federal credit union bylaws.* This publication, designated FCU–535, contains the standard Federal credit union bylaws. A copy is mailed to each Federal credit union at the time the approved organization certificate is delivered to the incorporators by the Bureau. Additional copies are for sale at the Government Printing Office. Revisions are handled in the same way as revisions for the Handbook.

(f) *Guide to standard amendments to the Federal credit union charter and bylaws.* This publication, designated FCU–522, is available from BFCU headquarters in Washington or from any regional office.

(g) *Organizing a Federal credit union.* This booklet, designated FCU–505, contains guidelines for persons considering the organization of a Federal credit union. Copies are furnished to such persons and are available upon request.

(h) *Data processing guidelines for Federal credit unions.* This booklet, designated FCU–539, contains instructions for use by Federal credit unions utilizing data processing equipment. It is available from BFCU headquarters in Washington or from any regional office. Revisions are announced in the BFCU Bulletin and are made available upon request.

(i) *Sale and redemption of U.S. Savings Bonds by Federal credit unions.* This booklet, designated FCU–540, contains instructions for Federal credit unions which handle U.S. Savings Bonds. It is available from BFCU headquarters in Washington or from any Regional Office. Revisions are announced in the BFCU Bulletin and are made available upon request.

§ 301.15 Other publications.

In addition to the publications listed in § 301.14, the Bureau publishes material on subjects which it believes are of value to Federal credit union officials. These publications include:

(a) *BFCU bulletin.* A quarterly publication containing news about the Federal Credit Union Program, including changes in regulations and manual revisions. Copies are furnished all Federal credit unions and additional copies may be obtained upon request to BFCU headquarters or any regional office.

(b) *Annual report of operations.* This publication, designated FCU–561, contains a great deal of statistical material relating to Federal credit unions. Copies are furnished all Federal credit unions and additional copies may be obtained upon request to BFCU headquarters or to any regional office.

(c) *Selected operating statistics for Federal credit unions.* This publication contains selected Federal credit union statistics and was developed for the information of Federal Credit Union Examiners. It is, however, available for inspection and copying at BFCU headquarters or any regional office.

(d) *State-chartered credit unions.* This publication, designated FCU–560, contains information furnished BFCU by supervisors of State-chartered credit

unions. It is published annually, and may be obtained from BFCU headquarters or from any regional office.

(e) *Effective collection procedures for Federal credit unions.* This publication, designated FCU–550, contains information developed by the Bureau to assist Federal credit unions in collecting loans. It is available from the Government Printing Office.

(f) *Accounting machine handbook for Federal credit unions.* This publication, designated FCU–541, contains advice to Federal credit unions on the use of accounting machines. It is available upon request to BFCU headquarters or any regional office.

§ 301.16 Statements of policy and interpretations.

In order to make available to the public any statements of policy and interpretations which do not appear in the publications set out in § 301.15, and which may be relied on or cited as precedent, the Bureau has established a file in each regional office and at its headquarters. This file, "Statements of Policy and Interpretations for the Public," is available for inspection and copying.

§ 301.17 List of Federal credit unions.

A master list of Federal credit unions, arranged by State, is maintained at BFCU headquarters and is available for inspection and copying. Each regional office maintains a similar list for the States for which it has responsibility. These lists are also available for inspection and copying. In accordance with the regulations of the Department dealing with the creation of records,[2] the Bureau is not required to make available names and addresses of Federal credit unions arranged in any manner other than by State.

2. Part 320 is revised to read as follows:

Sec.
320.1 Statement of policy.
320.2 Information centers.
320.3 Procedure for requesting access to identifiable records.
320.4 Procedure for denials and review of denials of requests for records.
320.5 Exempted material.

AUTHORITY: Provisions of this Part 320 issued under sec. 21, 73 Stat. 635; 12 U.S.C. 1766; apply 5 U.S.C. 552, 559.

§ 320.1 Statement of policy.

It is the policy of the Bureau to provide members of the public with all information which will permit the most effective functioning of the Federal Credit Union Program. The Bureau is particularly anxious to assure a steady flow of information to persons most affected by the program, namely, officials, and members of Federal credit unions. Consequently, all records and information of the Bureau, consistent with the obligations of confidentiality and the administrative necessities recognized by 5 U.S.C. 552, are available for public inspection and copying.

[2] 32 F.R. 9315.

§ 320.2 Information centers.

(a) In accordance with regulations of the Department, the Commissioner of Social Security has designated BFCU headquarters and its regional offices as Information Centers for the Federal Credit Union Program. The locations are listed in the Bureau's "Annual Report of Operations" (see § 301.15(b) of this chapter).

(b) The BFCU Information Centers will have copies of the publications described in § 301.14–301.17 of this chapter. Requests for identifiable records may be made at the centers, either orally or in writing.

(c) The Regional Representative is responsible for the operation of the Information Center in his regional office. The Director of the Division of Administration is responsible for the operation of the center maintained at BFCU headquarters.

§ 320.3 Procedure for requesting access to identifiable records.

All BFCU information and records in existence which are not exempt by law and regulation are available for public inspection and copying. When material requested is not contained in any of the publications of BFCU, it must be identified by the requestor by means of a brief description containing the name, number, or date, as applicable, sufficient to enable the record to be identified and located, whether or not copying is requested. If requested either by the requestor or the official in charge of the Information Center, SSA Form 1723 may be used as a receipt for any transaction.

§ 320.4 Procedure for denials and review of denials of requests for records.

(a) The official in charge of the Information Center may deny an oral or written request if he deems the request to involve material exempt from disclosure by 5 U.S.C. 552 or applicable regulations. Denials of written requests shall be in writing. Oral requests may be dealt with orally, but if the requestor is dissatisfied with the disposition of such a request he shall be asked to put the request in writing. A written denial will inform the requestor that he may seek a review by the Commissioner of Social Security. A request for review must be in writing and signed by the requestor and shall include a copy of the written request and the denial. It must be filed within 30 days of the date on which he receives the initial written denial, and may be filed at any BFCU Regional Office or at BFCU headquarters.

(b) The Commissioner or his designee shall, when a request for a review has been filed, review the decision in question, upon the basis of the evidence considered in connection with the decision and whatever other evidence and written argument is submitted by the person requesting the review. Decisions on review shall be in writing. If the decision is in favor of the requestor, the decision shall order the records made available to the requestor as provided in the decision. The decision, if adverse to the requestor, shall briefly state the reasons for the decision, and shall be promptly communicated to the requestor, and shall constitute final action of the Department.

(c) Where the Commissioner or his designee upon review affirms the denial of a request for records, in whole or in part, the requestor may seek court review by instituting a civil action in the district court of the United States pursuant to 5 U.S.C. 552(a)(3).

§ 320.5 Exempted material.

Certain records may be exempted from disclosure under Public Law 90–23, 5 U.S.C. 552, and the Department's regulations thereunder.

Dated: July 9, 1968.

[SEAL] J. DEANE GANNON,
Director,
Bureau of Federal Credit Unions.

Approved: August 23, 1968.

ROBERT M. BALL,
Commissioner of
Social Security.

Approved: October 21, 1968.

WILBUR J. COHEN,
Secretary of Health,
Education, and Welfare.

[F.R. Doc. 68–13079; Filed, Oct. 25, 1968; 8:49 a.m.]

Title 49—TRANSPORTATION

Chapter I—Department of Transportation

[OST Docket No. 9; Amdt. 6]

PART 239—STANDARD TIME ZONE BOUNDARIES

Relocation of Boundary Between Alaska-Hawaii Standard Time Zone and Bering Standard Time Zone

The purpose of this amendment to Part 239 of Title 49 of the Code of Federal Regulations is to change the existing boundary line between the Alaska-Hawaii standard time zone and the Bering standard time zone, so as to include within the Alaska-Hawaii zone certain territory of the United States lying between 161°W. longitude and 162° W. longitude.

On September 20, 1968, the Department of Transportation published in the FEDERAL REGISTER a notice of proposed rule making (33 F.R. 14239) requesting comments on a proposal, recommended by the Alaska Region of the Federal Aviation Administration, to move the boundary as described above, to include the community of Bethel, Alaska, in the Alaska-Hawaii time zone on the ground that many of its services are provided from Anchorage which lies to the east in that zone.

Interested persons were given a 30-day period within which to comment on the

proposal. Very few comments were received as a result of the notice and no comments opposing the change were received. The city council of Bethel and local business firms commented favorably on the change.

Since this amendment received no adverse comment, I find that good cause exists for making it effective, to coincide with the date set for the changeover from daylight saving time under the Uniform Time Act of 1966 and in less than 30 days after publication in the FEDERAL REGISTER.

In addition, §§ 239.13 *Alaska-Hawaii Standard Time* and 239.15 *Bering Standard Time* are being renumbered to conform to the sequence of numbers in Part 239.

In consideration of the foregoing and in order to permit the change to be made on the date set by law (Oct. 27, 1968) for the changeover from daylight saving time, §§ 239.13 and 239.15 of Title 49 of the Code of Federal Regulations are renumbered and restated to read as follows:

§ 239.10 Alaska-Hawaii Zone.

The seventh zone, designated as the U.S. standard Alaska-Hawaii time zone, includes all territory of the United States located between 141° W. longitude and 162° W. longitude, and the entire State of Hawaii.

§ 239.11 Bering Zone.

The eighth zone, designated as the U.S. standard Bering time zone, includes all territory of the United States between 162° W. longitude and 172°30′ W. longitude, and all of the Aleutian Islands which lie west of 172°30′ W. longitude, but does not include any part of the State of Hawaii.

This amendment in no way concerns adherence to or exemption from advanced (daylight saving) time during the summer months. The Uniform Time Act requires observance of advanced (daylight saving) time within the established time zones from the last Sunday in April until the last Sunday in October but permits an individual state to exempt itself, by law, from observing advanced (daylight saving) time within the state.

(Act of Mar. 19, 1918, as amended by the Uniform Time Act of 1966; 15 U.S.C. 260–267, and sec. 6(e)(5) of the Department of Transportation Act; 49 U.S.C. 1655(e)(5))

Issued in Washington, D.C., on October 22, 1968.

ALAN S. BOYD,
Secretary of Transportation.

[F.R. Doc. 68–13056; Filed, Oct. 25, 1968; 8:47 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 10—MIGRATORY BIRDS

Open Seasons, Bag Limits, and Possession of Certain Migratory Game Birds; Correction

Section 10.53(g), footnote 3 published in the FEDERAL REGISTER of Friday, September 6, 1968, on page 12663 is revised to read:

[3] Geese: In all States in the Flyway, the daily bag limit may not include more than 3 geese of the dark species; and not more than 1 Ross' goose.

(40 Stat. 755; 16 U.S.C. 703 et seq.)

This revision is effective upon publication in the FEDERAL REGISTER.

A. V. TUNISON,
Acting Director, Bureau of Sport Fisheries and Wildlife.

[F.R. Doc. 68–13067; Filed, Oct. 25, 1968; 8:48 a.m.]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 1]

INCOME TAX; CERTAIN RESTRICTED STOCK AND OTHER PROPERTY

Notice of Hearing

The proposed amendment to the Income Tax Regulations under sections 61 and 421 of the Internal Revenue Code of 1954, relating to the receipt of certain stock and other property subject to restrictions, appears in this issue of the FEDERAL REGISTER.[1]

A public hearing on the provisions of this proposed amendment to the regulations will be held starting on Tuesday, December 3, 1968, at 10 a.m., e.s.t., and continuing if necessary on December 4, 1968. The hearing will be held in Room 3313, Internal Revenue Service Building, Constitution Avenue between 10th and 12th Streets NW., Washington, D.C.

Persons who plan to attend the hearing are requested to notify the Commissioner of Internal Revenue, Attention: CC : LR : T, Washington, D.C. 20224, by November 26, 1968. Notification of intention to attend the hearing may be given by telephone, 202–964–3935.

LESTER R. URETZ,
Chief Counsel.

By:

JAMES F. DRING,
Director, Legislation and Regulations Division.

[F.R. Doc. 68–13134; Filed, Oct. 25, 1968; 10:47 a.m.]

[26 CFR Part 1]

CERTAIN RESTRICTED STOCK AND OTHER PROPERTY

Notice of Proposed Rule Making

Notice is hereby given that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing, preferably in quintuplicate, to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224, within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. Any written comments or suggestions not specifically designated as confidential in accordance with 26 CFR 601.601(b) may be inspected by any person upon written request. A public hearing will be held to afford any person submitting written comments or suggestions an opportunity to comment orally on these proposed regulations. Notice of the time, place, date and manner of notifying the Commissioner of an intention to attend the hearing is published simultaneously herewith. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

[SEAL] SHELDON S. COHEN,
Commissioner of Internal Revenue.

In order to change the rules relating to the receipt of certain stock and other property subject to restrictions, the Income Tax Regulations (26 CFR Part 1) under Sections 61 and 421 of the Internal Revenue Code of 1954 are amended as follows:

PARAGRAPH 1. Paragraph (d)(5) of § 1.61–2 is amended to read as follows:

§ 1.61–2 Compensation for services, including fees, commissions, and similar items.

* * * * *

(d) *Compensation paid other than in cash.* * * *

(5) *Property transferred subject to restrictions.* Notwithstanding any other provision of this paragraph, if any property, other than an option to purchase stock or property, is transferred after October 26, 1968, as compensation for services, performed by an employee or independent contractor, and such property has no readily ascertainable fair market value (determined under paragraph (d) of § 1.421–6) at the time of transfer, the rules of subdivision (i) of § 1.421–6(d)(2) shall be applied in determining the time and the amount of compensation to be included in the gross income of the employee or independent contractor. If such property is transferred on or before October 26, 1968, subject to a restriction which has a significant effect on its value at the time of transfer, the rules of subdivision (iii) of § 1.421–6(d)(2) shall be applied. For special rules relating to options to purchase stock or other property which are issued as compensation for services, see § 1.61–15 and section 421 and the regulations thereunder. This subparagraph is applicable only to transfers after September 24, 1959.

PAR. 2. Subparagraphs (1), (2), (3), (4), and (5) of § 1.421–6(d) are amended to read as follows:

§ 1.421–6 Options to which section 421 does not apply.

* * * * *

(d) *Options without a readily ascertainable fair market value.* * * *

(1) (i) In the case of an option granted after October 26, 1968, which has a readily ascertainable fair market value (determined in accordance with subparagraphs (2) and (3) of paragraph (c) of this section) prior to its exercise or transfer in an arm's length transaction, the employee includes compensation in gross income only at the time the option first has a readily ascertainable fair market value, and the amount includable as compensation is the excess, if any, of such fair market value over any amount paid for the option.

(ii) Except as provided in subparagraph (2) of this paragraph and subdivision (i) of this subparagraph, if the option is exercised by the person to whom it was granted, the employee includes compensation in gross income at the time an unconditional right to receive the property subject to the option is acquired by such person, and the amount of such compensation is the difference between the amount payable for the property and the fair market value of the property at the time an unconditional right to receive the property is acquired. An individual has an unconditional right to receive the property subject to the option when his right to receive such property is not subject to any conditions, other than conditions that may be performed by him at any time. Thus, if an individual who has exercised an option has a right to make payment for the property at any time and to receive the property immediately after making such payment, such individual includes compensation in gross income at the time he exercises the option. However, if an individual who has exercised an option is prevented by the terms of the option contract from making payment immediately or from receiving an immediate transfer of the property after making payment, such individual does not include compensation in gross income at the time he exercises the option. Such individual will not include compensation in gross income until he does acquire the right to make payment immediately and to receive an immediate transfer of the property. For purposes of this paragraph, an unconditional right to receive the property subject to the option shall not be considered to have been acquired before the date on which the option is exercised.

(2) (i) In the case of an option granted after October 26, 1968, if the option is exercised by the person to whom it was granted, but, at the time an unconditional right to receive the property subject to the option is acquired by such person, such property has no readily ascertainable fair market value (determined in accordance with the rules of this subdivision), the transaction is not a closed one and the employee does not include compensation in

[1] F.R. Doc. 68–13135, infra.

gross income until such time as the fair market value of the property becomes readily ascertainable, or the property is transferred in an arm's length transaction, whichever occurs earlier. At such time, the amount of compensation included in gross income is the difference between the amount paid for the property and either its fair market value at the time such value becomes readily ascertainable in accordance with this subdivision, or the consideration received upon the sale or exchange, whichever is applicable. For purposes of this subdivision, property has a readily ascertainable fair market value if property with all the attributes (including any restrictions) of the transferred property is actively traded on an established market. If property is not so traded on an established market, the property does not have a readily ascertainable fair market value unless the taxpayer can show that the property is freely transferable by the acquirer and is not subject to a restriction or condition (other than a lien or other condition to secure the payment of the purchase price) which has a significant effect on its value. For example, if an option to which this subdivision applies is exercised by the person to whom it was granted, but at the time an unconditional right to receive the property subject to the option is acquired by such person, such property is subject to a restriction which has a significant effect on its value, then such property does not have a readily ascertainable fair market value for purposes of this subdivision prior to the lapse of such restrictions, unless, prior to such time, property having all of the attributes of such property, including the restrictions, is actively traded on an established market. Therefore, ordinarily, such restricted property does not have a readily ascertainable fair market value until the restriction lapses, and the employee must include compensation in gross income at such time. The amount of such compensation is the difference between the fair market value of such property at the time of lapse and the amount paid for the property. If the property is sold or exchanged in a transaction which is not at arm's length before the time the employee includes compensation in gross income in accordance with this subdivision, any amount of gain which the employee realizes as a result of such sale or exchange is includible as compensation in gross income at the time of such sale or exchange, but the amount otherwise includible in gross income under this subdivision shall be reduced by the amount of gain includible in gross income as a result of the sale or exchange not at arm's length.

(ii) The provisions of subdivision (i) of this subparagraph may be illustrated by the following examples. In all of the following examples it is assumed that property with all the attributes (including any restrictions) of the transferred property is not actively traded on an established market:

Example (1). On November 1, 1969, X Corporation grants to E, an employee, an option to purchase 100 shares of X Corporation stock at $10 per share. Under the terms of the option, E will be subject to a binding commitment to resell the stock to X Corporation at the price he paid for it in the event that his employment terminates within 2 years after he acquires the stock, for any reasons except his death. Evidence of this commitment will be stamped on the face of E's stock certificate. E exercises the option and acquires the 100 shares at a time when the stock, determined without regard to the restriction, has a fair market value of $18 per share. The commitment prevents the option or the stock from having a readily ascertainable fair market value, and E does not include compensation in gross income at the time of grant or exercise of the option. Two years after he acquires the stock, at which time the stock has a fair market value of $30 per share, E is still employed by X Corporation. E includes $2,000 compensation in gross income at the first time the stock has a readily ascertainable fair market value, which is upon the expiration of the 2-year restriction. The $2,000 represents the difference between the amount paid for the stock ($1,000) and the fair market value of the stock at the time the stock first has a readily ascertainable fair market value ($3,000).

Example (2). Assume the facts are the same as in example (1), except that E dies 1 year after he acquires the stock, at which time the stock has a readily ascertainable fair market value of $25 per share. Since the stock has a readily ascertainable fair market value for the first time upon E's death, $1,500 ($2,500 less $1,000) compensation is included in E's gross income for the taxable year closing with his death.

Example (3). Assume that, pursuant to the exercise of an option not having a readily ascertainable fair market value, an employee acquires stock subject to the sole condition that, if he desires to dispose of such stock during the period of his employment, he is obligated to offer to sell the stock to his employer at its fair market value at the time of such sale. Since this condition is not a restriction which has a significant effect on its value or which prevents it from being freely transferable, the stock has a readily ascertainable fair market value and the employee includes the compensation in gross income upon acquisition of the stock.

Example (4). Assume, in example (3), that the employee is obligated to offer to sell the stock to his employer at its book value rather than its fair market value. Since this condition amounts to a restriction which has a significant effect on value, the employee does not include compensation in gross income upon acquisition of the stock, but he does include such compensation at the first time the stock acquires a readily ascertainable fair market value, which is upon the lapse of the restriction, such as, for example, his death or the termination of his employment.

Example (5). On November 1, 1969, X Corporation transfers to E, an employee, 100 shares of X Corporation stock subject to a binding commitment that E shall sell the stock to X Corporation at $10 per share in the event that his employment terminates within 2 years after he acquires the stock, for any reason except his death. Evidence of this commitment will be stamped on the fact of E's stock certificate. At the time E acquires the stock, the stock has a market value of $18 per share determined without regard to the restriction. The commitment prevents the stock from having a readily ascertainable fair market value, and E does not include compensation in gross income at the time of transfer. Two years after he acquires the stock at which time the stock has a fair market value of $30 per share, E is still employed by X Corporation. Under § 1.61-2(d)(5) the rules of subdivision (i) of this subparagraph shall be applied in determining the time and amount of compensation. E includes $3,000 compensation in gross income at the first time the stock has a readily ascertainable fair market value, which is upon the expiration of the 2-year restriction. The $3,000 represents the difference between the fair market value of the stock at the time the stock first has a readily ascertainable fair market value ($3,000) and the amount paid for the stock ($0).

Example (6). Assume the same facts as in example (5), except that E paid $10 per share for the stock. E includes $2,000 compensation in gross income at the first time the stock has a readily ascertainable fair market value, which is upon the expiration of the 2-year restriction. The $2,000 represents the difference between the amount paid for the stock ($1,000) and the fair market value of the stock at the time the stock first has a readily ascertainable fair market value ($3,000).

(iii) In the case of an option granted on or before October 26, 1968, if the option is exercised by the person to whom it was granted but, at the time an unconditional right to receive the property subject to the option is acquired by such person, such property is subject to a restriction which has a significant effect on its value, the employee includes compensation in gross income at the time such restriction lapses or at the time the property is sold or exchanged, in an arm's length transaction, whichever occurs earlier, and the amount of such compensation is the lesser of—

(*a*) The difference between the amount paid for the property and the fair market value of the property (determined without regard to the restriction) at the time of its acquisition, or

(*b*) The difference between the amount paid for the property and either its fair market value at the time the restriction lapses or the consideration received upon the sale or exchange, whichever is applicable.

If the property is sold or exchanged in a transaction which is not at arm's length before the time the employee includes compensation in gross income in accordance with this subdivision, any amount of gain which the employee realizes as a result of such sale or exchange is includible as compensation in gross income at the time of such sale or exchange, but the amount includible in gross income under this subdivision at the time of the expiration of the restriction or the sale or exchange at arm's length shall be reduced by the amount of gain includible in gross income as a result of the sale or exchange not at arm's length.

(iv) The provisions of subdivision (iii) of this subparagraph may be illustrated by the following examples:

Example (1). On November 1, 1959, X Corporation grants to E, an employee, an option to purchase 100 shares of X Corporation stock at $10 per share. Under the terms of the option, E will be subject to a binding commitment to resell the stock to X Corporation at the price he paid for it in the event that his employment terminates within 2 years after he acquires the stock, for any reason except his death. Evidence of this commitment will be stamped on the face of E's stock certificate. E exercises the option and acquires the stock at a time when the stock, determined without regard to the restriction, has a fair market value of $18 per share. Two

years after he acquires the stock, at which time the stock has a fair market value of $30 per share, E is still employed by X Corporation. E includes $800 compensation in gross income upon the expiration of the 2-year restriction. The $800 represents the difference between the amount paid for the stock ($1,000) and the fair market value of the stock (determined without regard to the restriction) at the time of its acquisition ($1,800), since such value is less than the fair market value of the stock at the time the restriction lapsed ($3,000).

Example (2). Assume the facts are the same as in example (1), except that E dies one year after he acquires the stock, at which time the stock has a fair market value of $25 per share. Since the restriction lapses upon E's death, $800 ($1,800 less $1,000) compensation is included in E's gross income for the taxable year closing with his death.

(3) Except as provided in subparagraph (1)(i) of this paragraph, if the option is not exercised by the person to whom it was granted, but is transferred in an arm's length transaction, the employee realizes compensation in the amount of the gain resulting from such transfer of the option, and such compensation is includible in his gross income in accordance with his method of accounting.

(4) Except as provided in subparagraph (1)(i) of this paragraph, if the option is not exercised by the person to whom it was granted, but is transferred in a transaction which is not at arm's length, the employee realizes compensation in the amount of the gain resulting from such transfer of the option, and such compensation is includible in his gross income in accordance with his method of accounting. Moreover, the employee realizes additional compensation at the time and in the amount determined under subparagraph (1), (2), or (3) of this paragraph, except that the amount of compensation determined under subparagraph (1), (2), or (3) of this paragraph shall be reduced by any amount previously includible in gross income as a result of such transfer of the option. For example, if in 1960 an employee is granted an option not having a readily ascertainable fair market value to buy a share of stock for $50 at a time when the stock has a fair market value of $100, and later in 1960 the employee transfers, in a transaction not at arm's length, the option to his wife for $10, the employee realizes compensation of $10 in 1960. If in 1961 the wife exercises the option at a time when the stock has a fair market value of $120, the employee realizes additional compensation in 1961 in the amount of $60 (the $70 bargain spread less the $10 taxed as compensation in 1960). For the purpose of this subparagraph, if a person other than the employee dies holding an unexercised option at a time when the employee is still living, the transfer which results by reason of the death of such person is a transfer in a transaction which is not at arm's length.

(5) If there is granted an option to which this section applies, and the employee dies before realizing the compensation in accordance with the rules of this paragraph, income having the character of compensation is realized at the time and in the amount determined under this paragraph by the person who transfers or exercises the option, the person who receives the property which has no readily ascertainable fair market value, or the person holding the option when it first has a readily ascertainable fair market value. For example, this subparagraph is applicable:

(i) When an option not having a readily ascertainable fair market value is granted to an employee, and he dies before transferring or exercising the option and before the option has a readily ascertainable fair market value,

(ii) When an option not having a readily ascertainable fair market value is granted to the employee, and he dies after the transfer of the option in a transaction which is not at arm's length, but before the option is exercised, or

(iii) When an option not having a readily ascertainable fair market value is granted to another person, and the employee dies before realizing all of the compensation which would result from any transfer or exercise of the option. If the option is one which was granted to the employee and he dies before transferring or exercising the option, and before realizing the compensation in accordance with the rules of this paragraph, the option shall be considered a right to receive income in respect of a decedent to which the rules of section 691 apply. In any such case, if the option is transferred, section 691 provides that the amount received for such transfer or the fair market value of the property transferred at the time of transfer, whichever is greater, is income realized at the time of such transfer. Moreover, if a transfer is subject to this rule, it will be treated as a transfer in an arm's length transaction for the purpose of this paragraph.

* * * * *

[F.R. Doc. 68-13135; Filed, Oct. 25, 1968; 10:48 a.m.]

DEPARTMENT OF THE INTERIOR

Geological Survey

[30 CFR Part 225]

GOVERNMENT ROYALTY OIL

Disposal

Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by the Act of February 25, 1920, as amended (41 Stat. 437; 30 U.S.C. 181 et seq.), and the Act of August 7, 1947 (61 Stat. 913; 30 U.S.C. 351–359), it is proposed to revise 30 CFR Part 225 as set forth below.

The purpose of the proposed revisions is to update the regulations governing the sale of Government royalty oil produced from certain public domain and acquired lands under leases issued pursuant to the above Acts. The revision would make the regulations consistent with the practice heretofore established of selling such royalty oil at private sale, at the market price, to owners of small refineries who are unable to purchase in the open market an adequate supply of crude oil to meet the needs of their existing refinery capacities. The revision also would grant a preference to those eligible refiners whose refineries are located within the supervisory region of the Branch of Oil and Gas Operations, Geological Survey, in which the oil is produced.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rule-making process. Accordingly, interested parties may submit written comments, suggestions, or objections with respect to the proposed revision of 30 CFR Part 225, to the Director, U.S. Geological Survey, Washington, D.C. 20242, within 30 days of the date of publication of this notice in the FEDERAL REGISTER.

Part 225 of Title 30, Code of Federal Regulations, is revised to read as follows:

PART 225—DISPOSAL OF GOVERNMENT ROYALTY OIL

Sec.

AUTHORITY: The provisions of this Part 225 issued under secs. 32, 36, 41 Stat. 450, 451, as amended; 61 Stat. 913, 30 U.S.C. 189, 192, 359.

§ 225.1 Statutory authority.

Section 36 of the Mineral Leasing Act of February 25, 1920 (30 U.S.C. 192) authorizes the Secretary of the Interior to sell royalty oil accruing to the United States under oil and gas leases issued pursuant to that Act. The Act of July 13, 1946 (60 Stat. 533), which amended section 36 in order to assist small business enterprise, authorizes and directs the Secretary, when he determines that sufficient supplies of crude oil are not available in the open market to refineries not having their own source of supply for crude oil, to grant a preference to such refineries in the sale of royalty oil for processing or use in such refineries and not for resale in kind. The Act of July 13, 1946, also provides that the sale of royalty oil to such refineries may be at private sale at not less than the market price and that in selling such oil the Secretary may at his discretion prorate such oil among such refineries in the area in which the oil is produced. The provisions of said section 36, as amended, also are applicable to royalty oil accruing to the United States under leases issued pursuant to the Mineral Leasing Act for Acquired Lands of August 7, 1947 (61 Stat. 913). The Act of September 1, 1949, provided for the elimination of premium payments in then existing contracts entered into pursuant to the Act of July 13, 1946.

§ 225.2 Definitions.

The following definitions shall be applicable to the regulations in this Part:

(a) "Eligible refiners" under the Act of July 13, 1946, shall be owners of existing refineries who qualify as a small

business enterprise under the rules of the Small Business Administration and who are unable to purchase in the open market an adequate supply of crude oil to meet the needs of their existing refinery capacities.

(b) "Secretary" shall be the Secretary of the Interior.

(c) "Supervisor" shall be the Regional Oil and Gas Supervisor of the U.S. Geological Survey authorized and empowered to supervise and direct oil and gas operations under 30 CFR Part 221.

(d) "Region" is the area over which a Supervisor is authorized to exercise supervisory jurisdiction.

(e) "Preference eligible refiners" shall be eligible refiners applying for purchase of royalty oil produced in a given Region for use in their refineries located within that Region.

(f) "Market price" shall be (1) the highest price per barrel regularly posted, published, or generally paid, or offered, by any principal purchaser of crude oil of equal A.P.I. gravity in the field where produced, or (2) if there are no postings in the field, the highest price posted in the nearest field where a comparable grade of crude oil is produced and sold, or (3) the true value as determined by the Supervisor when in his judgment such highest price regularly posted, published, or generally paid or offered in the same field or the nearest field is found by him to be less than the true value of the royalty oil. In no event shall the "market price" be less than the estimated reasonable value which the Supervisor would determine as the value of production, pursuant to § 221.47 of this chapter, if royalties on the production in question were being paid by the lessee rather than being taken in kind.

§ 225.3 Policy.

Except in times of general unavailability of an adequate supply of crude oil in the United States, or when special circumstances warrant other action, as determined by the Secretary, Government royalty oil available for disposal pursuant to the Act of February 25, 1920, as amended, will be sold in accordance with the regulations in this Part. Such oil will be sold only to "Eligible refiners" under the Act of July 13, 1946, and all such sales will be made at the "market price" without premium or bonus. "Preference eligible refiners" will be given a preference over other "Eligible refiners" in the purchase of such oil. When applications are filed by two or more "Preference eligible refiners" for the same oil, the oil will be allocated among such applicants by a drawing or on an equitable prorated basis as determined by the Supervisor prior to execution of contracts for sale of such oil. When applications are filed by two or more "Eligible refiners" for the same oil, and no applications for the same oil are filed by "Preference eligible refiners", or their needs are adequately supplied with only a part of the royalty oil available, the royalty oil available to such "Eligible refiners" shall be similarly allocated among them by the Supervisor.

§ 225.4 Exchange agreements.

The act of July 13, 1946, requires refiners granted a preference to process or use in such refineries and not resell in kind royalty oil purchased thereunder. Agreements providing for the exchange of crude oil purchased under the act for other crude oil on a volume or equivalent value basis will not be construed as constituting a resale in kind prohibited by the act. Where an exchange agreement has been entered into or is contemplated with regard to royalty oil available for sale, full information relative thereto must be furnished either at the time of filing application to purchase royalty oil or at such later date as specified by the Supervisor.

§ 225.5 Application; contents.

An eligible refiner may file an application with the Supervisor of the Region in which the oil is produced. Such application shall be filed in triplicate and must be accompanied by a detailed statement containing the following information:

(a) The full name and address of the applicant; the location of his refinery or refineries; a complete disclosure of applicant's affiliation or association with any other refiner of oil if such relationship exists; and reasons for believing that applicant is entitled to a preference under the act of July 13, 1946, including a full showing of efforts made to purchase the needed oil in the open market.

(b) The capacity of the refinery to be supplied and the amount, source, and grade of all crude oil currently available to the applicant refiner from his own production or by purchase.

(c) The minimum amount and grade of additional crude oil needed to meet existing refinery commitments or existing refinery capacity, the field or fields which the refiner believes offer a potential source of crude-oil supply and the available transportation facilities which the refiner proposes to utilize.

(d) A tabulation for the preceding 12 months or for the last 12 months of operation of the amount and grade of crude oil refined each month, and the kind and amount of the principal finished products.

§ 225.6 Action by the supervisor.

The Supervisor shall examine each application filed pursuant to this Part and where he finds that the showing submitted is inadequate or unsatisfactory, such additional showing shall be required as may be deemed necessary. When royalty oil is available for purchase in his region, the Supervisor shall make inquiries of other small refiners having refineries in his region as to their interest in filing applications to purchase royalty oil. He shall also make similar inquiries of any other small refiners having refineries located outside his region when he has reason to believe they would be interested in filing applications to purchase royalty oil produced within his region. Thereafter, he shall make appropriate recommendations for consideration by the Director, Geological Survey, and the Secretary of the Interior.

§ 225.7 Action by the Secretary.

When the Secretary elects to sell royalty oil in any given Region, he shall specify or approve the manner in which the sale is to be effected, including the form of contract to be used. At such time he may authorize the Supervisor or another official of the Geological Survey to execute the contract, or contracts, of sale on behalf of the United States, to approve exchange agreements, and to determine the amount and type of bond or other security to be required from the purchaser under such contract or contracts.

Dated: October 22, 1968.

DAVID S. BLACK,
Under Secretary of the Interior.

[F.R. Doc. 68-13068; Filed, Oct. 25, 1968; 8:48 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 909]

GRAPEFRUIT GROWN IN ARIZONA; IMPERIAL COUNTY, CALIF.; AND THAT PART OF RIVERSIDE COUNTY, CALIF., SITUATED SOUTH AND EAST OF WHITE WATER, CALIF.

Approval of Expenses and Fixing of Rate of Assessment for 1968-69 Fiscal Period and Carryover of Unexpended Funds

Consideration is being given to the following proposals submitted by the Administrative Committee, established under the marketing agreement, as amended, and Order No. 909, as amended (7 CFR Part 909), regulating the handling of grapefruit grown in the State of Arizona; in Imperial County, Calif., and in that part of Riverside County, Calif., situated south and east of White Water, Calif., effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), as the agency to administer the terms and provisions thereof:

(1) That expenses that are reasonable and necessary to be incurred by the Administrative Committee during the period August 1, 1968, through July 31, 1969, will amount to $142,500.

(2) That the rate of assessment for such period, payable by each handler in accordance with § 909.41, be fixed at three cents ($0.03) per carton, or equivalant quantity of grapefruit; and

(3) That unexpended assessment funds, in excess of expenses incurred during such period, shall be carried over as a reserve in accordance with the applicable provisions of § 909.42.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposals should file the same, in quadruplicate, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250,

not later than the 10th day after the publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Dated: October 22, 1968.

ARTHUR E. BROWNE,
Acting Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 68-13058; Filed, Oct. 25, 1968; 8:47 a.m.]

[7 CFR Part 1136]

[Docket Nos. AO-309-A10, AO-309-A14]

MILK IN GREAT BASIN MARKETING AREA

Decision on Proposed Amendments to Tentative Marketing Agreement and Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), public hearings were held at Salt Lake City, Utah, on February 2-3, 1967, and August 5, 1968, pursuant to notices thereof issued on January 26, 1967 (32 F.R. 1054), and July 31, 1968 (33 F.R. 10881), respectively.

Upon the basis of the evidence introduced at the hearings and the records thereof, the Deputy Administrator, Regulatory Programs, on September 17, 1968 (33 F.R. 14325; F.R. Doc. 68-11472) filed with the Hearing Clerk, U.S. Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto.

The material issues, findings and conclusions, rulings, and general findings of the recommended decision (33 F.R. 14325; F.R. Doc. 68-11472) are hereby approved and adopted and are set forth in full herein subject to the following modifications: The fourth paragraph under subheading findings and conclusions is revised and a new paragraph is added immediately following.

The material issues on the record of the February 1967 hearing (Doc. No. AO 309-A10) related to pool plant qualifications, diversion provisions and the classification and pricing of reserve milk.

The material issues on the record of the August 5, 1968, hearing (Doc. No. AO 309-A14) relate to:

1. Elimination of the Class I price supply-demand adjustment.

2. Classification of sweetened and flavored cream used in the manufacture of bakery products.

Findings and conclusions. The proposals considered at the February 1967 hearing concerned issues which involve the seasonality of milk production, prospects for in-area and out-of-area Class I sales during 1967, and the prices paid by cheese plants in the surplus disposal area for the market.

The proponents' goal at the hearing was to have the order amended to reflect the then current marketing conditions. Statistical data introduced into the hearing record reflected these conditions through 1966. Data for the first quarter of 1967 were not available at the time of the hearing.

Following the close of the hearing and before a decision could be issued on the matters involved, it became evident that supply conditions in the market had changed drastically. It therefore became impractical to issue a decision on the basis of evidence introduced into the hearing record.

Since the hearing record does not afford a current basis for action, it was concluded in the recommended decision issued by the Deputy Administrator, Regulatory Programs, on September 17, 1968 (33 F.R. 14325) that the proceeding which was begun in this matter of January 26, 1967 (32 F.R. 1054), should be terminated.

No exceptions were filed by interested parties to such recommended decision. An order, therefore, terminating such proceeding is issued concurrently with the issuance of the decision set forth herewith.

The following findings and conclusions on the material issues considered at the August 5, 1968, hearing are based on the record thereof:

1. *Supply-demand adjustor.* The supply-demand adjustor provisions of the Great Basin order should be deleted.

The Great Basin order presently contains a supply-demand provision which adjusts the Class I price each month according to the relationships of producer receipts to the quantity of such receipts used in Class I for the second and third months preceding the pricing month. Such Class I utilization percentages are compared with seasonally adjusted "standard" utilization percentages ("norms") for which the annual average mid-point is 153.8 percent. The applicable norm for each 2-month period is expressed as a minimum and maximum percentage, with a 10-point range within which no adjustment occurs.

The two cooperative associations representing most of the producers on the market proposed elimination of the supply-demand adjustor from the order.

Supply-demand adjustments to the Class I prices in recent years have not been in keeping with the purpose which the supply-demand formula mechanism is designed to achieve.

The monthly standard utilization percentages or "norms" are designed to reflect, as nearly as possible, the normal and desired seasonal relationship of producer receipts to the utilization of such receipts as Class I milk. In the event the seasonal supply and demand relationship of the market shifts and is no longer accurately reflected by such norms, a seasonal bias would then be injected into the computation of the supply-demand adjustments which would have no relationship to current disequilibriums in the relationship of fluid milk supply and sales. Such a change in seasonality has occurred with respect to the milk supply and demand situation in the Great Basin market.

This situation is further aggravated by the fact that a significant volume of the fluid milk production normally associated with this market is frequently moved to the Eastern Colorado, and occasionally to the Central Arizona markets. The milk so moved is usually pooled under the order market where received. When such milk production is not shipped off the market it is disposed of to plants affiliated with the Great Basin order and usually is pooled thereunder. This on-and-off market pooling situation, proponents contend, has contributed to the instability of price adjustments brought about by the supply-demand formula.

An analysis of monthly supply-demand adjustments resulting from the supply-demand pricing formula for the period 1962 through 1967 reveals that adjustments to Class I prices for the generally flush production period of April through June during this time have averaged a minus 2½ cents per hundredweight. The average adjustment for the short production months of October through December for the comparable period, amounted to a minus 5¼ cents per hundredweight. It is apparent, therefore, that the present norms set forth in the supply-demand formula are not reflective of the current seasonal production and Class I sales pattern in this market.

The deletion of the supply-demand adjustor from the order will not only eliminate the contraseasonality which has developed in the Class I price but it also will bring the Class I price for this market into closer alignment with the Class I prices in surrounding Federal order markets, particularly the Central Arizona and Rio Grande Valley markets.

2. *Classification of a bakery cream product.* A flavored cream product containing at least eight percent (by product weight) of sugar which is disposed of to a commercial bakery solely for processing into bakery products should be classified as Class III.

A handler operating a pool distributing plant regulated under the order proposed a reclassification from Class I to Class III of flavored sweetened cream disposed to bakeries. This product is a mixture of cream (36 percent butterfat), and sugar in about a seven and one-half to one ratio, respectively, to which vanilla flavoring has been added. It is presently being processed in the proponent's plant and distributed to bakeries located on the premises of a number of grocery supermarkets for use in the manufacture of bakery products.

A sweetened cream mixture disposed of in the proportions indicated by the proponent handler would not be suitable for use as a beverage and hence could not be substituted for fluid Grade A cream in a form designated under this order as a fluid milk (Class I) product.

Milk or cream utilized in the processing of bakery products is not required by local health authorities to meet the Grade A standards. Thus, designation of

this product as Class III will encourage the use of Grade A producer milk in the manufacture of bakery products in lieu of alternative ungraded milk products or substitute ingredients containing vegetable fats which are readily available to food processors for the same usage. This will provide an additional use for cream which is surplus to the fluid requirements of the market.

It is not intended, however, that the lowest valued use classification (Class III) be assigned a cream product containing only token amounts of sugar and flavoring additives. Proponent witness indicated a sugar content of the finished product amounting to around 12 percent by weight of the total product. To permit some flexibility in the ingredient formula it is concluded that such classification apply to a sweetened cream mixture so disposed with a minimum sugar content of eight percent by weight. This will provide a reasonable standard to accommodate this matter. The containers of such cream-sugar product, when disposed of to commercial bakeries, should be clearly labeled as bakery cream.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Rulings on Exceptions. There were no exceptions filed to the recommended decision.

Marketing Agreement and Order. Annexed hereto and made a part hereof are two documents entitled respectively, "Marketing Agreement Regulating the Handling of Milk in the Great Basin Marketing Area", and "Order Amending the Order Regulating the Handling of Milk in the Great Basin Marketing Area", which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order as hereby proposed to be amended by the attached order which will be published with this decision.

Determination of Representative Period. The month of September 1968 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the attached order, as amended and as hereby proposed to be amended, regulating the handling of milk in the Great Basin marketing area, is approved or favored by producers, as defined under the terms of the order, as amended and as hereby proposed to be amended, and who, during such representative period, were engaged in the production of milk for sale within the aforesaid marketing area.

Signed at Washington, D.C., on October 24, 1968.

TED J. DAVIS,
Assistant Secretary.

Order[1] *Amending the Order Regulating the Handling of Milk in the Great Basin Marketing Area*

§ 1136.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Great Basin marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Great Basin marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended and as hereby amended, as follows:

The provisions of the proposed marketing agreement and order amending the order contained in the recommended decision issued by the Deputy Administrator, Regulatory Programs, on September 17, 1968, and published in the FEDERAL REGISTER on September 21, 1968 (33 F.R. 14325; F.R. Doc. 68-11472), shall be and are the terms and provisions of this order, and are set forth in full herein:

1. Section 1136.50 is amended by revising paragraph (a) to read as follows:

§ 1136.50 Class prices.

* * * * *

(a) *Class I milk price.* The price for Class I milk shall be the basic formula price for the preceding month plus $2.05, plus 20 cents through April 1969.

* * * * *

2. Section 1136.41(c) is amended by deleting the word "and" in subparagraph (7); changing the period to a semicolon at the end of subparagraph (8) and adding the word "and" thereafter; and adding a new subparagraph (9) to read as follows:

§ 1136.41 Classes of utilization.

* * * * *

(c) *Class III milk.* * * *

(9) In the form of a flavored cream-sugar product containing at least 8 percent by weight of sugar, which product is disposed of to a commercial bakery solely for the purpose of processing into bakery products. The containers utilized

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

in such disposition shall be clearly labeled as bakery cream.

[F.R. Doc. 68-13090; Filed, Oct. 25, 1968; 8:49 a.m.]

INTERSTATE COMMERCE COMMISSION

[49 CFR Parts 1003, 1047]

[Ex Parte No. MC-75]

LIST OF FORMS AND EXEMPTIONS

Agricultural Cooperative Transportation Exemption

At a general session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 21st day of October 1968.

Implementation of Public Law 90-433—agricultural cooperative transportation exemption. The agricultural cooperative exemption in section 203(b)(5) of the Interstate Commerce Act, before its recent amendment, provided as follows:

Section 203(b): Nothing in this part except the provisions of section 203 relative to qualifications and maximum hours of service of employees and safety of operation or standards of equipment, shall be construed to include * * * (5) motor vehicles controlled and operated by a cooperative association as defined in the Agricultural Marketing Act, approved June 15, 1929, as amended, or by a federation of such cooperative associations, if such federation possesses no greater powers or purposes than cooperative associations so defined;

Under this section, motor vehicles controlled and operated by agricultural cooperatives, or by a federation of such cooperatives, are exempt from this Commission's economic regulation provided the cooperatives meet certain qualifying criteria as defined in the Agricultural Marketing Act of 1929 (12 U.S.C. 1141). The original exemption from regulation for agricultural cooperatives was included in the Motor Carrier Act of 1935. In 1940, this exemption was expanded to include a federation of such cooperative associations, if such federation possesses no greater powers or purposes than cooperative associations so defined.

Section 15(a) of the Agricultural Marketing Act of 1929 (12 U.S.C. 1141j), defines the cooperatives entitled to the exemption under section 203(b)(5) as follows:

As used in this act, the term "cooperative association" means any association in which farmers act together in processing, preparing for market, handling, and/or marketing the farm products of persons so engaged, and also means any association in which farmers act together in purchasing, testing, grading, processing, distributing, and/or furnishing farm supplies and/or farm business services: *Provided, however,* That such associations are operated for the mutual benefit of the members thereof as such producers or purchasers and conform to one or both of the following requirements:

First. That no member of the association is allowed more than one vote because of the amount of stock or membership capital he may own therein; and,

Second. That the association does not pay dividends on stock or membership capital in excess of 8 per centum per annum.

And in any case to the following:

Third. That the association shall not deal in farm products, farm supplies, and farm business services with or for nonmembers in an amount greater in value than the total amount of such business transacted by it with or for members. All business transacted by any cooperative association for or on behalf of the United States or any agency or instrumentality thereof shall be disregarded in determining the volume of member and nonmember business transacted by such association.

By Public Law 90-433 (82 Stat. 448 and 449), effective July 26, 1968, section 203(b)(5) of the Interstate Commerce Act was amended by adding certain clarifying and limiting language as follows:

but any interstate transportation performed by such a cooperative association or federation of cooperative associations for nonmembers who are neither farmers, cooperative associations, nor federations thereof for compensation, except transportation otherwise exempt under this part, shall be limited to that which is incidental to its primary transportation operation and necessary for its effective performance and shall in no event exceed 15 per centum of its total interstate transportation services in any fiscal year, measured in terms of tonnage: *Provided,* That, for the purposes hereof, notwithstanding any other provision of law, transportation performed for or on behalf of the United States or any agency or instrumentality thereof shall be deemed to be transportation performed for a nonmember: *Provided further,* That any such cooperative association or federation which performs interstate transportation for nonmembers who are neither farmers, cooperative associations, nor federations thereof, except transportation otherwise exempt under this part, shall notify the Commission of its intent to perform such transportation prior to the commencement thereof: *And provided further,* That in no event shall any such cooperative association or federation which is required hereunder to give notice to the Commission transport interstate for compensation in any fiscal year of such association or federation a quantity of property for nonmembers which, measured in terms of tonnage, exceeds the total quantity of property transported interstate for itself and its members in such fiscal year.

At the same time section 220 of the Interstate Commerce Act was amended by adding an additional subsection (g) which specifically authorizes this Commission to inspect the books and records pertaining to motor vehicle transportation of certain cooperatives and federations. Section 220(g) of the Act reads as follows:

(g) The Commission or its duly authorized special agents, accountants, or examiners shall, during normal business hours, have access to and authority, under its order, to inspect, examine, and copy any and all accounts, books, records, memorandums, correspondence, and other documents pertaining to motor vehicle transportation of a cooperative association or federation of cooperative associations which is required to give notice to the Commission pursuant to the provisions of section 203(b)(5) of this part: *Provided, however,* That the Commission shall have no authority to prescribe the form of any accounts, records, or memorandums to be maintained by a cooperative association or federation of cooperative associations.

In enacting these amendments, it was recognized that their proper administration would require the promulgation by this Commission of implementing rules and regulations. Thus, for example, at page 15 of the Senate Report No. 1152 (90th Cong., second sess.), dated May 28, 1968, it is stated:

The need for Commission rulemaking power to administer the provisions of the committee amendment is obvious. The witness for the National Council of Farmer Cooperatives, for example, mentioned two areas where the Commission might wish to establish rules and regulations in administering the statute. In connection with the notice requirements, he indicated that whether or not a copy of the notice must be carried on the cooperatives' motor vehicles is a matter for Commission rulemaking. He further indicated that the definition of the terms "necessary for" and "incidental to" could be subject to Commission guidelines in accordance with the intent of this legislation. The application of the 15 per centum maximum limitation, and the limitation on nonmember transportation are other areas in which the exercise of the Commission rulemaking power could be necessary.

The committee amendment does not contain specific authority to the Commission to prescribe rules, regulations, and procedures because the committee considers that such power is already available to the Commission in the Interstate Commerce Act.

This proceeding is, therefore, specifically directed to the consideration and adoption of appropriate rules and regulations to implement the provisions of Public Law 90-433. Proposed rules are set forth below to this order.

It is ordered, That, based upon the foregoing explanation and good cause appearing therefor, a proceeding be, and it is hereby, instituted under the authority of part II of the Interstate Commerce Act, and more specifically sections 203(b)(5), and 204(a)(1) and (6) thereof, and sections 4 and 12 of the Administrative Procedure Act, for the purposes of determining, in light of the provisions of sections 203(b)(5) and 220(g) of the Interstate Commerce Act, as amended July 26, 1968, whether the proposed rules attached as an appendix, or any other rules, should be prescribed to implement the provisions of Public Law 90-433 (82 Stat. 448 and 449), and for the taking of such other and further action as the facts and circumstances may require.

It is further ordered, That the Bureau of Enforcement of this Commission be, and it is hereby, authorized and directed to participate as a party in this proceeding.

It is further ordered, That no oral hearing be scheduled for the receiving of testimony in this proceeding unless a need therefor should later appear, but that any interested persons may participate in this proceeding by submitting for consideration written statements of facts, views, and arguments on the subjects mentioned above, or any other subjects pertinent to this proceeding.

It is further ordered, That any person intending to participate in this proceeding by submitting initial statements or

reply statements shall notify the Commission, by filing with the Secretary, Interstate Commerce Commission, Washington, D.C. 20423, on or before November 12, 1968, the original and one copy of a statement of his intention to participate; that the Commission then shall prepare and make available to all such persons a list containing the names and addresses of all parties to this proceeding, upon whom copies of all statements must be filed; and that at that time the Commission will fix the time within which initial statements and the replies must be filed.

And it is further ordered, That a copy of this order be mailed to the Governor of every State and to the Public Utilities Commissions or boards of each State having jurisdiction over motor transportation; that a copy be posted in the office of the Secretary, Interstate Commerce Commission, Washington, D.C., for public inspection, and that a copy be delivered to the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER as notice to all interested persons.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

As proposed, §§ 1047.20–1047.24 would be added to 49 CFR to read as follows:

TRANSPORTATION AND NOTICE THEREOF BY AGRICULTURAL COOPERATIVE ASSOCIATIONS

§ 1047.20 Definitions.

(As used herein the following terms will have the meaning shown)

(a) *Cooperative association.* The term "cooperative association" means an association, the organization, composition, and operation of which conforms to the definition in the Agricultural Marketing Act, approved June 15, 1929, as amended (12 U.S.C. 1141). Associations which do not conform to such definition are not eligible to operate under the partial exemption of section 203(b)(5) of the Interstate Commerce Act.

(b) *Federation of cooperative Associations.* The term "federation of cooperative associations" means an alliance of two or more cooperative associations as defined in paragraph (a) of this section, which federation or alliance possesses no greater powers or purposes than cooperative associations so defined.

(c) *Member.* The term "member" means any farmer or cooperative association which has consented to be, has been accepted as, and is a member in good standing in accordance with the constitution, bylaws or rules of the cooperative association or federation of cooperative associations.

(d) *Farmer.* The term "farmer" means any individual, corporation, partnership, or other business entity to the extent engaged in farming operations either as an actual producer of agricultural commodities or as a farm owner.

(e) *Interstate transportation.* The term "interstate transportation" means transportation by motor vehicle in interstate or foreign commerce as defined in part II of the Interstate Commerce Act, as amended.

(f) *Member transportation.* The term "member transportation" means transportation performed by a cooperative association or federation for itself or for its members of farm products and all supplies related to the production of such farm products.

(g) *Nonmember transportation.* The term "nonmember transportation" means transportation performed by a cooperative association or federation other than member transportation as defined in paragraph (f) of this section.

(h) *Fiscal year.* The term "fiscal year" means the annual accounting period adopted by the association for Federal income tax reporting purposes.

§ 1047.21 Computation of tonnage allowable in nonfarm nonmember transportation.

No cooperative association or federation of cooperative associations may perform interstate transportation for compensation, for nonmembers who are neither farmers, cooperative associations, nor federations of cooperative associations, except transportation otherwise exempt under part II of the Act, unless such nonmember transportation is incidental to its primary transportation operation and necessary for its effective performance. Such transportation shall not exceed 15 per centum of its total interstate transportation services in its fiscal year, measured in terms of tonnage.

(a) The phrase "incidental to its primary transportation operation and necessary for its effective performance" means that the cooperative's or federation's for-hire transportation for nonmembers as described above must have a direct relationship to the cooperative's of federation's farm-related transportation. Such for-hire transportation for nonmembers must, as a minimum, be rendered so as to equalize or prevent an economic loss which would have resulted from an otherwise empty movement of a vehicle employed on the prior or subsequent trip in member transportation.

(b) The base tonnage to which said 15 per centum is applied is all tonnage of all kinds transported by the cooperative association or federation in interstate or foreign commerce, whether for itself, its members or nonmembers, for or on behalf of the United States or any agency or instrumentality thereof, and that performed within the exemption provided by section 203(b)(6) of the Act.

§ 1047.22 Overall limitation of nonmember transportation.

No cooperative association or federation of cooperative associations which is required to give notice to the Commission under § 1047.24 of these regulations may engage in nonmember interstate transportation for compensation in any fiscal year which, measured in terms of tonnage, exceeds its total interstate member transportation in such fiscal year.

§ 1047.23 Notice to the Commission.

A cooperative association or federation of cooperative associations which performs or proposes to perform interstate transportation for nonmembers, who are neither farmers, cooperative associations, nor federations of cooperative associations, under section 203(b)(5) of the Interstate Commerce Act, as amended July 26, 1968, which transportation is not otherwise exempt under part II of the Act, shall notify the Commission of its intent to perform such transportation. Such notification shall be given within 30 days of the effective date of these regulations by those already engaged in such operations, and prior to the commencement of such operations by all others, and shall be in the form, contain the information, and be served in the manner called for in Form BOp 102, Notice to Commission of Intent to Perform Transportation for Certain Nonmembers Under Section 203(b)(5) of the Interstate Commerce Act (§ 1003.1 of this chapter).

§ 1047.24 Effective date.

The effective date of §§ 1047.20–1047.24 is hereby fixed as _____.

It is further proposed to add the following to the list of forms [1] in paragraph (a) of § 1003.1:

BOp 102.

Notice to the Commission of Intent to Perform Transportation for Certain Nonmembers Under Section 203(b)(5) of the Interstate Commerce Act, to be used by cooperative associations, or federations of cooperative associations, who or which perform or propose to perform interstate transportation for nonmembers who are neither farmers, cooperative associations, nor federations of cooperative associations.

CROSS REFERENCE: Part 1047 of this chapter.

[F.R. Doc. 68–13071; Filed, Oct. 25, 1968; 8:48 a.m.]

POST OFFICE DEPARTMENT

[39 CFR Part 171]

MONEY ORDERS

Payments to Banks Through Federal Reserve System

Notice is hereby given of proposed rule making consisting of the addition of a new § 171.8 to Title 39, Code of Federal Regulations. The addition of this new § 171.8 would give the Postmaster General the right to demand refund from the presenting bank the amount of a paid money order if, after payment, the money order is found to have been stolen, or to bear a forged or unauthorized endorsement, or to contain any material defect or alteration which was not discovered

[1] This proposed form is available upon request from the Office of the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

upon initial examination. In addition it is proposed that if the refund is not made by the presenting bank within 60 days after demand, the Postmaster General would be authorized to take such action as necessary to protect the interests of the United States.

Interested persons who may wish to submit written data, views, and arguments concerning the proposals may submit such comments to the Assistant Postmaster General, Bureau of Finance and Administration, Post Office Department, Washington, D.C. 20260, at any time prior to the 30th day following publication of this notice in the FEDERAL REGISTER.

Accordingly, it is proposed that new § 171.8 read as follows:

§ 171.8 Payments to banks through Federal Reserve System.

(a) *Presentation for payment.* Banks may present money orders for payment through the Federal Reserve System.

(b) *Definitions.* (1) "Money order" means a U.S. Postal Money Order.

(2) "Federal Reserve Bank" means a Federal Reserve Bank or branch thereof which presents a money order for payment by the Postmaster General.

(3) "Presenting bank" means a bank which presents a money order to, and receives credit therefor from a Federal Reserve Bank.

(4) "Reclamation" means the action taken by the Postmaster General to obtain refund of the amounts of paid money orders.

(5) "Examination" includes examination for stolen money orders; for forged endorsements; forged signature or initials of postal employees issuing money orders; raised amounts and other material defects by means of electronic methods and also visual inspection for discovery of defects which cannot be electronically discovered.

(c) *Payment.* The Postmaster General has the usual right of a drawee to examine money orders presented for payment by banks through the Federal Reserve System and to refuse payment of money orders and shall have a reasonable time after presentation to make such examination. Provisional credit shall be given to the Federal Reserve Bank when it furnishes the money orders for payment by the Postmaster General. Money orders shall be deemed to be paid only after examination has been fully completed subject to the right of the Postmaster General to make reclamation as provided for in paragraph (e) of this section.

(d) *Endorsements.* The presenting bank and the endorser of a money order presented for payment are deemed to guarantee to the Postmaster General that all prior endorsements are genuine, whether or not an express guarantee to that effect has been placed on the money order. When an endorsement has been made by a person other than the payee personally, the presenting bank and the endorser are deemed to guarantee to the Postmaster General, in addition to other warranties, that the person who so endorsed had unqualified capacity and authority to endorse the money order on behalf of the payee.

(e) *Reclamation.* The Postmaster General shall have the right to demand refund from the presenting bank of the amount of a paid money order if, after payment, the money order is found to have been stolen, or to bear a forged or unauthorized endorsement, or to contain any material defect or alteration which was not discovered upon examination. Such right includes, but is not limited to, the right to make reclamation of the amount by which a genuine money order bearing a proper and an authorized endorsement has been raised. If refund is not made by the presenting bank within 60 days after demand, the Postmaster General shall take such action as may be necessary to protect the interests of the United States.

(5 U.S.C. 301, 39 U.S.C. 501, 5101)

TIMOTHY J. MAY,
General Counsel.

[F.R. Doc. 68-13059; Filed, Oct. 25, 1968; 8:48 a.m.]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[33 CFR Parts 68, 115-118]

[CGFR 68-43W]

BRIDGES AND THEIR LIGHTING, CONSTRUCTION, MAINTENANCE, AND OPERATION

Notice of Proposed Rule Making

Correction

In F.R. Doc. 68-12981 published in Part II of the FEDERAL REGISTER of Thursday, October 24, 1968, the wrong table was carried in paragraph (c) of § 115.65. As corrected, the introductory text of paragraph (c) of § 115.65, preceding subparagraph (1), reads as follows:

§ 115.65 Bridge clearance gauges.

* * * * *

(c) The gauge shall be marked by black numerals and foot marks on a white background. Paint, if used, should be of good exterior quality, resistant to chalking or bleeding. Manufactured numerals and background material may be used. The size, type and spacing of numerals conforming with those published in "Standard Alphabets for Highway Signs", Bureau of Public Roads, Department of Transportation, shall be used as follows:

Nominal day visibility distance (feet)	Height of numeral (inches)	Type standard alphabet	Vertical spacing of numerals (feet)
Less than 500	12	Series C	2
500 to 750	18	Series C	2
750 to 1000	24	Series D	5
1000 to 2000	30	Series E	5
More than 2000	36	Series E	10

* * * * *

Federal Aviation Administration

[14 CFR Part 39]

[Docket No. 9216]

AIRWORTHINESS DIRECTIVE

Vickers Viscount Models 744, 745D, and 810 Series Airplanes

The Federal Aviation Administration is considering amending Part 39 of the Federal Aviation Regulations by adding an airworthiness directive (AD) applicable to Vickers Viscount Models 744, 745D, and 810 Series Airplanes. There have been instances of cracking of the engine nacelle cross beam attachment eye end fittings that could result in excessive flexing of the nacelle cross beam with consequent damage to the nacelle structure. Since this condition is likely to exist or develop in other airplanes of the same type design, the proposed AD would require periodic inspection for and replacement of the eye end fittings.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the docket number and be submitted in duplicate to the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20490. All communications received on or before November 25, 1968, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

This amendment is proposed under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423).

In consideration of the foregoing, it is proposed to amend § 39.13 of Part 39 of the Federal Aviation Regulations by adding the following new airworthiness directive:

VICKERS VISCOUNT. Applies to Vickers Viscount Models 744, 745D, and 810 Series Airplanes.

Compliance required as indicated.

To prevent fatigue failure of engine nacelle cross beam attachment eye end fittings P/N 70116-383/384 or 80203-1719/1720 or 81003/1415/1416 located on the lower surface of the inner wing station 96 and P/N 70116-385/386 or 80203-1721/1722 or 81003-1417/1418 located on the lower surface of the inner wing at wing station 143, accomplish the following:

(a) For cross beam attachment eye end fittings located at wing station 96 that have accumulated 7,700 or more landings on the effective date of this AD, inspect in accordance with paragraph (c) within the next 300 landings after the effective date of this AD, unless already accomplished within the last 450 landings, and thereafter at intervals not to exceed 1,000 landings from the last inspection.

(b) For cross beam attachment eye and fittings located at wing station 96 that have accumulated less than 7,700 landings on the effective date of this AD, inspect in accordance with paragraph (c) prior to the accumulation of 8,000 landings, unless already accomplished within the last 450 landings, and thereafter at intervals not to exceed 1,000 landings from the last inspection.

(c) Visually inspect the fittings for cracks or fractures in accordance with British Aircraft Corp. Preliminary Technical Leaflet No. 273, Issue 1 (700 Series) or No. 137, Issue I (800/810 Series) or later ARB approved issues or an FAA approved equivalent.

(d) If cracks are detected during the inspection specified in paragraph (c), within the next 200 landings replace the fittings in accordance with paragraph (f).

(e) If a fracture is found during the inspection specified in paragraph (c), before further flight replace the fittings in accordance with paragraph (f) and visually inspect the eye end fitting at wing station 143 within the next 500 landings and replace any cracked fitting with a fitting of the same part number within the next 100 landings.

(f) Replace eye end fittings and the mating fork end fittings P/N 70116–387 or 80216–259 or 81016–695 with fittings of the same part numbers or replace the eye end fitting with P/N 81003–2643/2644 and the fork end fitting with P/N 81016–1675 in accordance with British Aircraft Corp. Modification Bulletin No. D–3215 dated May 14, 1968, or FG.2091 dated May 14, 1968 or later ARB-approved issues or an equivalent approved by the Chief, Aircraft Certification Staff, FAA, Europe, Africa, and Middle East Region.

(g) The repetitive inspections required in this AD may be discontinued following incorporation of the British Aircraft Corp. Modification Bulletin No. D–3215 dated May 14, 1968, or FG.2091, dated May 14, 1968, as applicable, in accordance with paragraph (f) of this AD.

(h) For the purpose of complying with this AD, subject to acceptance by the assigned FAA Maintenance Inspector, the number of landings may be determined by dividing each airplane's hours time in service by the operator's fleet average time from takeoff to landing for the airplane type.

Issued in Washington, D.C., on October 21, 1968.

EDWARD C. HODSON,
Acting Director,
Flight Standards Service.

[F.R. Doc. 68–13051; Filed, Oct. 25, 1968; 8:47 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 68–WE–80]

CONTROL ZONE

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the description of the Chandler, Ariz., control zone.

Interested persons may participate in the proposed rulemaking by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Western Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 5651 West Manchester Avenue, Post Office Box 92007, Worldway Postal Center, Los Angeles, Calif. 90009. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposals contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Administration, 5651 West Manchester Avenue, Los Angeles, Calif. 90045.

The Chandler TACAN will be removed from its present site and replaced by a mobile TACAN to be located at latitude 33°18'11'' N., longitude 111°39'02'' W. This will require alteration of the final approach radials for the current TACAN/ILS 1 and TACAN/ILS 2 from 127° M (141° T) to 116° M (130° T). In addition, the final approach radials for the existing en route Radar/TACAN approach procedure will be revised from 127° M (141° T) and 293° M (307° T) to 116° M (130° T) and 311° M (325° T). The Air Force also proposes to extend the effective hours of the control zone. These proposed changes will require amending the description of the control zone.

In consideration of the foregoing the FAA proposes the following airspace action:

In § 71.171 (33 F.R. 6237) the Chandler, Ariz., control zone is amended to read as follows:

CHANDLER, ARIZ.

Within a 5-mile radius of Williams AFB (latitude 33°18'30'' N., longitude 111°39'-27'' W.); within 2 miles each side of the Chandler VOR 290° radial extending from the 5-mile radius zone to the VOR, within 2 miles northeast and 3 miles southwest of the Chandler TACAN 130° radial extending from the 5-mile radius zone to 9 miles southeast of the TACAN, and within 2 miles each side of the Chandler TACAN 325° radial extending from the 5-mile radius zone to 9 miles northwest of the TACAN. This control zone is effective from 0730 to 2300 hours local time, Monday through Friday, excluding Federal legal holidays.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958, as amended (72 Stat. 749; 49 U.S.C. 1348).

Issued in Los Angeles, Calif., on October 18, 1968.

LEE E. WARREN,
Acting Director, Western Region.

[F.R. Doc. 68–13052; Filed, Oct. 25, 1968; 8:47 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 68–CE–85]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to alter the control zone and transition area at Appleton, Wis.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief.

Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposals contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106.

Since designation of controlled airspace in the Appleton, Wis., terminal area, three new instrument approach procedures have been developed for Outagamie County Airport, Appleton, Wisc. One of these new procedures utilizes the county-owned radio beacon as a navigational aid and the remaining two new procedures utilize a county-owned ILS system as a navigational aid. In addition, one of the original instrument approach procedures has been altered slightly. Consequently, it is necessary to alter the Appleton control zone and transition area to provide controlled airspace for the protection of aircraft executing these new and altered approach procedures.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

(1) In § 71.171 (33 F.R. 2058), the following control zone is amended to read:

APPLETON, WIS.

Within a 5-mile radius of Outagamie County Airport (latitude 44°15'40'' N., longitude 88°31'10'' W.); and within 2 miles each side of the 135°, 206°, 285°, and 016° bearings from Outagamie County Airport, extending from the 5-mile radius zone to 8 miles southeast, southwest, west, and north of the airport. This control zone is effective during the specific dates and times established in

advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

(2) In § 71.181 (33 F.R. 2137), the following transition area is amended to read:

APPLETON, WIS.

That airspace extending upward from 700 feet above the surface within a 6-mile radius of Outagamie County Airport (latitude 44°-15'40" N., longitude 88°31'10" W.); and within 2 miles each side of the 016°, 135°, 206°, and 285° bearings from Outagamie County Airport, extending from the 6-mile radius area to 8 miles north, southeast, southwest, and west of the airport.

These amendment are proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued at Kansas City, Mo., on October 7, 1968.

JOHN A. HARGRAVE,
Acting Director, Central Region.

[F.R. Doc. 68-13053; Filed, Oct. 25, 1968; 8:47 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 68-CE-87]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to alter the transition area at Saginaw, Mich.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief.

Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106.

To increase efficiency in the control of air traffic in the Saginaw, Mich., terminal area, it has become necessary to establish two additional holding fixes near Saginaw. One fix is located on V-216 east of Saginaw and the other is on the approach course for runway No. 23 at Tri City Airport, Saginaw, Mich. Since the holding patterns at these two locations are not completely protected by controlled airspace, it is necessary to provide this protection by altering the Saginaw, Mich., transition area.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

In § 71.181 (33 F.R. 2137), the following transition area is amended to read:

SAGINAW, MICH.

That airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 43°16'00" N., longitude 83°30'00" W., thence west along latitude 43°16'00" N., to and north along longitude 84°25'00" W., to and northwest along a line 10 miles southwest of and parallel to the Saginaw, Mich., VORTAC 317° radial, to and clockwise along the arc of a 31-mile radius circle centered on the Saginaw VORTAC, to and south along a line 5 miles east of and parallel to the Saginaw VORTAC 013° radial, to and clockwise along the arc of a 20-mile radius circle centered on the Saginaw VORTAC, to and east along a line 10 miles north of and parallel to the Saginaw VORTAC 105° radial, to and south along longitude 83°24'00" W., to and west along the north edge of V-216, to and south along longitude 83°30'00" W., to the point of beginning and within 10 miles southwest and 7 miles northeast of the Saginaw VORTAC 317° radial extending from the 31-mile radius area to 37 miles northwest of the VORTAC.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued at Kansas City, Mo., on October 7, 1968.

JOHN A. HARGRAVE,
Acting Director, Central Region.

[F.R. Doc. 68-13054; Filed, Oct. 25, 1968; 8:47 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 68-CE-83]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to designate a transition area at Portland, Ind.

Interested persons may participate in the proposed rulemaking by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief.

Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106.

A new public use instrument approach procedure has been developed for Steed Field, Portland, Ind., utilizing a city-owned radio beacon located on the airport as a navigational aid. Consequently, it is necessary to provide controlled airspace for the protection of aircraft executing this new approach procedure by designating a 700-foot floor transition area at Portland, Ind. The new procedure will become effective concurrently with the designation of the transition area. The Indianapolis Air Route Traffic Control Center will control IFR traffic into and out of Steed Field.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

In § 71.181 (33 F.R. 2137), the following transition area is added:

PORTLAND, IND.

That airspace extending upward from 700 feet above the surface within a 6-mile radius of Steed Field (latitude 40°27'05" N., longitude 84°59'20" W.); and within 2 miles each side of the 100° bearing from Steed Field, extending from the 6-mile radius area to 8 miles East of the airport.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued at Kansas City, Mo., on October 7, 1968.

JOHN A. HARGRAVE,
Acting Director, Central Region.

[F.R. Doc. 68-13055; Filed, Oct. 25, 1968; 8:47 a.m.]

Notices

DEPARTMENT OF STATE

Agency for International Development

[Delegation of Authority 39; Amdt. 2]

ASSISTANT ADMINISTRATOR FOR PRIVATE RESOURCES

Delegation of Authority Relating to Investment Guaranties and Certain Loans

Pursuant to the authority delegated to me by Delegation of Authority No. 104 from the Secretary of State, dated November 31, 1961 (26 F.R. 10608) and in accordance with Executive Orders 10900 and 10973, Delegation of Authority No. 39, dated April 13, 1964 (29 F.R. 5355), as amended, is hereby amended further as follows:

1. The title thereof is amended to read: "Assistant Administrator for Private Resources—Delegation of Authority Relating to Investment Guaranties and Certain Loans";

2. Delete Paragraph 1 and substitute the following therefor:

1. To the Assistant Administrator for Private Resources:

(A) Authority to authorize and issue guaranties under section 221(b)(1) and 221(b)(2) of the Foreign Assistance Act of 1961, as amended, (except as otherwise delegated in paragraph 2(A) and 3 herein), and in connection therewith to exercise the functions provided in section 221(b)(1), 221(b)(2), and section 635(i), to exercise all related functions and to make all related approvals and determinations as are deemed necessary or desirable, including those provided in sections 221(a), 221(c), 222(a), 222(b), and including the authority to sign, amend and administer contracts for arrangements with respect to the ownership, use, and disposition of the currency, credits, assets, or investment on account of which payment under any guaranty issued under section 221(b) is to be made, and with respect to any right, title, claim, or cause of action existing in connection therewith;

(B) Authority to take all appropriate action with respect to guaranties issued under paragraph 1(A) above, under section 111(b)(3) of the Economic Cooperation Act, and under section 413(b)(4) of the Mutual Security Act of 1954;

(C) Authority under section 201 of the Foreign Assistance Act of 1961, as amended, to authorize, negotiate, execute, amend, and implement loan agreements with private borrowers in which there is U.S. private investment and other related agreements, and to exercise all related functions and to make all related approvals and determinations as are deemed necessary or desirable; except that authority delegated in this subparagraph shall not be exercised with respect to countries or areas within the responsibility of the Assistant Administrator for Latin America;

(D) Authority under section 104 (e) and (f) of the Agricultural Trade Development and Assistance Act of 1954, as amended, to authorize, negotiate, execute, amend, and implement loan agreements and other related agreements, and to exercise all related functions and to make all related approvals and determinations as are deemed necessary or desirable; except that authority delegated in this subparagraph shall not be exercised with respect to countries or areas within the responsibility of the Assistant Administrator for Latin America.

3. For a transitional period, delegations of authority to the Assistant Administrators for Near-East South Asia, Africa, East Asia, and Vietnam, or redelegations of authority issued by the aforementioned Assistant Administrators with respect to the functions set forth in paragraphs 1 (C) and (D) of Delegation of Authority No. 39, as amended through this Amendment No. 2, shall continue in effect according to their terms.

4. In all other respects the aforesaid Delegation of Authority No. 39, as amended, shall remain in full force and effect.

5. This delegation of authority shall be deemed effective as of October 21, 1968, and includes ratification of all acts taken prior hereto which are consistent with the terms and scope of this delegation of authority.

Dated: October 21, 1968.

WILLIAM S. GAUD,
Administrator.

[F.R. Doc. 68-13064; Filed, Oct. 25, 1968; 8:48 a.m.]

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Dept. Circular Public Debt Series—No. 7-68]

5⅝ PERCENT TREASURY NOTES OF SERIES B-1970

Offering of Notes

OCTOBER 24, 1968.

I. *Offering of notes.* 1. The Secretary of the Treasury, pursuant to the authority of the Second Liberty Bond Act, as amended, offers notes of the United States, designated 5⅝ percent Treasury Notes of Series B-1970, at 99.85 percent of their face value:

(1) in exchange for 5¼ percent Treasury Notes of Series D-1968, maturing November 15, 1968;

(2) in exchange for 3⅞ percent Treasury Bonds of 1968, maturing November 15, 1968, in amounts of $1,000 or multiples thereof; or

(3) in exchange for 2½ percent Treasury Bonds of 1963-68, maturing December 15, 1968, in amounts of $1,000 or multiples thereof.

Interest will be adjusted on the bonds of 1963-68 as of December 15, 1968. Payments on account of accrued interest and cash adjustments will be made as set forth in section IV hereof. The amount of this offering will be limited to the amount of eligible securities tendered in exchange. The books will be open only on October 28 through October 30, 1968, for the receipt of subscriptions.

2. In addition, holders of the maturing securities are offered the privilege of exchanging all or any part of them for 5¾ percent Treasury Notes of Series A-1974, which offering is set forth in Department Circular, Public Debt Series—No. 8-68, issued simultaneously with this circular.

II. *Description of notes.* 1. The notes will be dated November 15, 1968, and will bear interest from that date at the rate of 5⅝ percent per annum, payable semi-annually on May 15 and November 15, 1969, and May 15, 1970. They will mature May 15, 1970, and will not be subject to call for redemption prior to maturity.

2. The income derived from the notes is subject to all taxes imposed under the Internal Revenue Code of 1954. The notes are subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, or any of the possessions of the United States, or by any local taxing authority.

3. The notes will be acceptable to secure deposits of public moneys. They will not be acceptable in payment of taxes.

4. Bearer notes with interest coupons attached, and notes registered as to principal and interest, will be issued in denominations of $1,000, $5,000, $10,000, $100,000, $1,000,000, $100,000,000 and $500,000,000. Provision will be made for the interchange of notes of different denominations and of coupon and registered notes, and for the transfer of registered notes, under rules and regulations prescribed by the Secretary of the Treasury.

5. The notes will be subject to the general regulations of the Treasury Department, now or hereafter prescribed, governing United States notes.

III. *Subscription and allotment.* 1. Subscriptions accepting the offer made by this circular will be received at the Federal Reserve Banks and Branches and at the Office of the Treasurer of the United States, Washington, D.C. 20220. Banking institutions generally may submit subscriptions for account of customers, but only the Federal Reserve

Banks and the Treasury Department are authorized to act as official agencies.

2. Under the Second Liberty Bond Act, as amended, the Secretary of the Treasury has the authority to reject or reduce any subscription, and to allot less than the amount of notes applied for when he deems it to be in the public interest; and any action he may take in these respects shall be final. Subject to the exercise of that authority, all subscriptions will be allotted in full.

IV. *Payment.* 1. Payment for the face amount of notes allotted hereunder must be made on or before November 15, 1968, or on later allotment, and may be made only in a like face amount of securities of the issues enumerated in paragraph 1 of section I hereof, which should accompany the subscription. Payment will not be deemed to have been completed where registered notes are requested if the appropriate identifying number as required on tax returns and other documents submitted to the Internal Revenue Service (an individual's social security number or an employer identification number) is not furnished. Cash payments due to subscribers will be made by check or by credit in any account maintained by a banking institution with the Federal Reserve Bank of its District following acceptance of the securities surrendered. In the case of registered securities, the payment will be made in accordance with the assignments thereon.

2. *5¼ percent notes of Series D–1968 and 3⅞ percent bonds of 1968.* When payment is made with securities in bearer form, coupons dated November 15, 1968, should be detached and cashed when due. When payment is made with registered securities, the final interest due on November 15, 1968, will be paid by issue of interest checks in regular course to holders of record on October 15, 1968, the date the transfer books closed. A cash payment of $1.50 per $1,000 on account of the issue price of the new notes will be made to subscribers.

3. *2½ percent bonds of 1963–68.* When payment is made with bonds in bearer form, coupons dated December 15, 1968, must be attached to the bonds when surrendered. Accrued interest from June 15 to December 15, 1968 ($12.50 per $1,000), plus the payment on account of the issue price of the new notes ($1.50 per $1,000) will be credited and accrued interest from November 15 to December 15, 1968 ($4.66160 per $1,000) on the new notes will be charged and the difference ($9.33840 per $1,000) will be paid to subscribers.

V. *Assignment of registered securities.* 1. Treasury securities in registered form tendered in payment for notes offered hereunder should be assigned by the registered payees or assignees thereof, in accordance with the general regulations of the Treasury Department governing assignments for transfer or exchange, in one of the forms hereafter set forth, and thereafter should be surrendered with the subscription to a Federal Reserve Bank or Branch or to the Office of the Treasurer of the United States, Washington, D.C. 20220. The maturing securities must be delivered at the expense and risk of the holder. If the new notes are desired registered in the same name as the securities surrendered, the assignment should be to "The Secretary of the Treasury for exchange for 5⅝ percent Treasury Notes of Series B–1970"; if the new notes are desired registered in another name, the assignment should be to "The Secretary of the Treasury for exchange for 5⅝ percent Treasury Notes of Series B–1970 in the name of _____"; if new notes in coupon form are desired, the assignment should be to "The Secretary of the Treasury for exchange for 5⅝ percent Treasury Notes of Series B–1970 in coupon form to be delivered to _____".

VI. *General provisions.* 1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive subscriptions, to make such allotments as may be prescribed by the Secretary of the Treasury, to issue such notices as may be necessary, to receive payment for and make delivery of notes on full-paid subscriptions allotted, and they may issue interim receipts pending delivery of the definitive notes.

2. The Secretary of the Treasury may at any time, or from time to time, prescribe supplemental or amendatory rules and regulations governing the offering, which will be communicated promptly to the Federal Reserve Banks.

[SEAL] HENRY B. FOWLER,
Secretary of the Treasury.

[F.R. Doc. 68–13130; Filed, Oct. 25, 1968; 10:39 a.m.]

[Dept. Circular Public Debt Series—No. 8–68]

5¾ PERCENT TREASURY NOTES OF SERIES A–1974

Offering of Notes

OCTOBER 24, 1968.

I. *Offering of notes.* 1. The Secretary of the Treasury, pursuant to the authority of the Second Liberty Bond Act, as amended, offers notes of the United States, designated 5¾ percent Treasury Notes of Series A–1974, at par:

(1) In exchange for 5¼ percent Treasury Notes of Series D–1968, maturing November 15, 1968;

(2) In exchange for 3⅞ percent Treasury Bonds of 1968, maturing November 15, 1968, in amounts of $1,000 or multiples thereof; or

(3) In exchange for 2½ percent Treasury Bonds of 1963–68, maturing December 15, 1968, in amounts of $1,000 or multiples thereof.

Interest will be adjusted on the bonds of 1963–68 as of December 15, 1968. The amount of this offering will be limited to the amount of eligible securities tendered in exchange. The books will be open only on October 28 through October 30, 1968, for the receipt of subscriptions.

2. In addition, holders of the maturing securities are offered the privilege of exchanging all or any part of them for 5⅝ percent Treasury Notes of Series B–1970, which offering is set forth in Department Circular, Public Debt Series—No. 7–68, issued simultaneously with this circular.

II. *Description of notes.* 1. The notes now offered will be identical in all respects with the 5¾ percent Treasury Notes of Series A–1974 issued pursuant to Department Circular, Public Debt Series—No. 10–67, dated October 26, 1967, except that interest will accrue from November 15, 1968. With this exception the notes are described in the following quotation from Department Circular No. 10–67:

1. The notes will be dated November 15, 1967, and will bear interest from that date at the rate of 5¾ percent per annum, payable semiannually on May 15 and November 15 in each year until the principal amount becomes payable. They will mature November 15, 1974, and will not be subject to call for redemption prior to maturity.

2. The income derived from the notes is subject to all taxes imposed under the Internal Revenue Code of 1954. The notes are subject to estate, inheritance, gift, or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, or any of the possessions of the United States, or by any local taxing authority.

3. The notes will be acceptable to secure deposits of public moneys. They will not be acceptable in payment of taxes.

4. Bearer notes with interest coupons attached, and notes registered as to principal and interest, will be issued in denominations of $1,000, $5,000, $10,000, $100,000, $1,000,000, $100,000,000 and $500,000,000. Provision will be made for the interchange of notes of different denominations and of coupon and registered notes, and for the transfer of registered notes, under rules and regulations prescribed by the Secretary of the Treasury.

5. The notes will be subject to the general regulations of the Treasury Department, now or hereafter prescribed, governing U.S. notes.

III. *Subscription and allotment.* 1. Subscriptions accepting the offer made by this circular will be received at the Federal Reserve Banks and Branches and at the Office of the Treasurer of the United States, Washington, D.C. 20220. Banking institutions generally may submit subscriptions for account of customers, but only the Federal Reserve Banks and the Treasury Department are authorized to act as official agencies.

2. Under the Second Liberty Bond Act, as amended, the Secretary of the Treasury has the authority to reject or reduce any subscription, and to allot less than the amount of notes applied for when he deems it to be in the public interest; and any action he may take in these respects shall be final. Subject to the exercise of that authority, all subscriptions will be allotted in full.

IV. *Payment.* 1. Payment for the face amount of notes alloted hereunder must be made on or before November 15, 1968, or on later allotment, and may be made only in a like face amount of securities of the issues enumerated in paragraph 1 of section I hereof, which should accompany the subscription. Payment will not be deemed to have been completed where registered notes are requested if the appropriate identifying number as required on tax returns and other documents submitted to the Internal Revenue

Service (an individual's social security number or an employer identification number) is not furnished.

2. *5¼ percent notes of Series D–1968 and 3⅞ percent bonds of 1968.* When payment is made with securities in bearer form, coupons dated November 15, 1968, should be detached and cashed when due. When payment is made with registered securities, the final interest due on November 15, 1968, will be paid by issue of interest checks in regular course to holders of record on October 15, 1968, the date the transfer books closed.

3. *2½ percent bonds of 1963–68.* When payment is made with bonds in bearer form, coupons dated December 15, 1968, must be attached to the bonds when surrendered. Accrued interest from June 15 to December 15, 1968 ($12.50 per $1,000), will be credited and accrued interest from November 15 to December 15, 1968 ($4.76519 per $1,000) on the new notes will be charged and the difference ($7.73481 per $1,000) will be paid to subscribers. The payment will be made by check or by credit in any account maintained by a banking institution with the Federal Reserve Bank of its District following acceptance of the securities surrendered. In the case of registered securities, the payment will be made in accordance with the assignments thereon.

V. *Assignment of registered securities.* 1. Treasury securities in registered form tendered in payment for notes offered hereunder should be assigned by the registered payees or assignees thereof, in accordance with the general regulations of the Treasury Department governing assignments for transfer or exchange, in one of the forms hereafter set forth, and thereafter should be surrendered with the subscription to a Federal Reserve Bank or Branch or to the Office of the Treasurer of the United States, Washington, D.C. 20220. The maturing securities must be delivered at the expense and risk of the holder. If the new notes are desired registered in the same name as the securities surrendered, the assignment should be to "The Secretary of the Treasury for exchange for 5¾ percent Treasury Notes of Series A–1974"; if the new notes are desired registered in another name, the assignment should be to "The Secretary of the Treasury for exchange for 5¾ percent Treasury Notes of Series A–1974 in the name of _____"; if new notes in coupon form are desired, the assignment should be to "The Secretary of the Treasury for exchange for 5¾ percent Treasury Notes of Series A–1974 in coupon form to be delivered to _____".

VI. *General provisions.* 1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive subscriptions, to make such allotments as may be prescribed by the Secretary of the Treasury, to issue such notices as may be necessary, to receive payment for and make delivery of notes on full-paid subscriptions allotted, and they may issue interim receipts pending delivery of the definitive notes.

2. The Secretary of the Treasury may at any time, or from time to time, prescribe supplemental or amendatory rules and regulations governing the offering, which will be communicated promptly to the Federal Reserve Banks.

[SEAL] HENRY H. FOWLER,
Secretary of the Treasury.

[F.R. Doc. 68–13131; Filed, Oct. 25, 1968; 10:40 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Serial No. 15419]

WYOMING

Notice of Amendment of Proposed Withdrawal and Reservation of Lands

Correction

In F.R. Doc. 68–12295 appearing at page 15078 in the issue of Wednesday, October 9, 1968, the second line under the center heading "Sixth Principal Meridian, Wyoming" should read: "Sec. 2, E½ SW¼ SW¼;".

[U–6968]

UTAH

Order Opening Lands to Application, Entry, and Patenting

OCTOBER 18, 1968.

1. In an exchange of lands made under the provisions of section 8 of the Act of June 28, 1934 (48 Stat. 1269), as amended (43 U.S.C. 315g), the following described land has been reconveyed to the United States:

SALT LAKE MERIDIAN

T. 9 S., R. 9 W.,
Sec. 32, S½, E½NE¼.

The area described contains 400 acres.

2. The land is located in Tooele County, 13 miles south of Dugway. The topography is level. The land is semiarid and alkaline in character and is not suitable for farming. It has value for grazing and recreation and is subject to the Tooele County classification for multiple use and is not open to application under the agricultural land laws (43 U.S.C., parts 7 and 9; 25 U.S.C. 334), nor to public sale under section 2455 of the Revised Statutes (43 U.S.C. 1171).

3. The United States did not acquire the mineral rights.

4. Subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law, the land will at 10 a.m. on November 18, 1968, be opened to application, petition, and selection. All valid applications received at or prior to 10 a.m. on November 18, 1968, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

5. Inquiries concerning the land should be addressed to the Bureau of Land Management, Post Office Box 11505, Salt Lake City, Utah 84111.

EDWARD J. HOFFMAN,
Acting State Director.

[F.R. Doc. 68–13082; Filed, Oct. 25, 1968; 8:49 a.m.]

[U–7004]

UTAH

Order Opening Lands to Application, Entry, and Patenting

OCTOBER 18, 1968.

1. In an exchange of lands made under the provisions of section 8 of the Act of June 28, 1934 (48 Stat. 1269), as amended (43 U.S.C. 315g), the following described land has been reconveyed to the United States:

SALT LAKE MERIDIAN

T. 10 N., R. 18 W.
Sec. 22, SW¼.
T. 11 N., R. 16 W.,
Sec. 13, S½;
Sec. 23, all.
T. 11 N., R. 17 W.,
Sec. 3, all.
T. 12 N., R. 16 W.,
Sec. 31, all;
Sec. 33, all.

The areas described aggregate 2,960.36 acres.

2. The land is located in Box Elder County, approximately 20 miles southwest of Park Valley. The topography varies from level to steep hills. The land is semiarid and alkaline in character and is not suitable for farming. It has value for grazing, wildlife, watershed, and recreation which can best be managed under the principles of multiple use.

3. The United States did not acquire the mineral rights.

4. Subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law, the land will at 10 a.m. on December 10, 1968, be opened to application, petition, and selection. All valid applications received at or prior to 10 a.m., on December 10, 1968, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

5. Inquiries concerning the land should be addressed to the Bureau of Land Management, Post Office Box 11505, Salt Lake City, Utah 84111.

EDWARD J. HOFFMAN,
Acting State Director.

[F.R. Doc. 68–13083; Filed, Oct. 25, 1968; 8:49 a.m.]

[Group Nos. 231, 238]

WASHINGTON

Notice of Filing of Plat

OCTOBER 22, 1968.

1. Plat of survey of the land described below will be officially filed in the Land Office, Portland, Oreg., effective at 10 a.m., November 27, 1968.

WILLAMETTE MERIDIAN

T. 6 N., R. 6 E.,
Secs. 1 and 12.

The area described aggregates 1,281.05 acres of public land.

2. The land described above is very rugged. The soil is a sandy clay loam supporting a growth of Douglas fir, hemlock, cedar, and pine. There is no evidence of minerals.

3. The above-described land is embraced in the Gifford Pinchot National Forest originally established as the Mount Rainier Forest Reserve by Proclamation of February 22, 1897, and enlarged by Proclamation of March 2, 1907.

4. In view of the above, the land described will not be subject to disposition under the general public land laws by reason of the official filing of the plat.

IRVING W. ANDERSON,
Chief, Division of Lands and Minerals, Program Management and Land Office.

[F.R. Doc. 68-13084; Filed, Oct. 25, 1968; 8:49 a.m.]

National Park Service

CAPE HATTERAS NATIONAL SEASHORE, N.C.

Notice of Intention To Negotiate Concession Contract

Pursuant to the provisions of section 5, of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20), public notice is hereby given that thirty (30) days after the date of publication of this notice, the Department of the Interior, through the Director of the National Park Service, proposes to negotiate a concession contract with Avon Fishing Pier, Inc., authorizing it to provide concession facilities and services for the public on Hatteras Island at Cape Hatteras National Seashore, N.C., for a period of 5 years from January 1, 1969, through December 31, 1973.

The foregoing concessioner has performed its obligations under the contract to the satisfaction of the National Park Service and, therefore, pursuant to the Act cited above, is entitled to be given preference in the renewal of the contract and in the negotiation of a new contract. However, under the Act cited above, the Secretary is also required to consider and evaluate all proposals received as a result of this notice.

Interested parties should contact the Chief of Concessions Management, National Park Service, Washington, D.C. 20240, for information as to the requirements of the proposed contract.

Dated: October 18, 1968.

R. W. ALLIN,
Acting Assistant Director, National Park Service.

[F.R. Doc. 68-13040; Filed, Oct. 25, 1968; 8:46 a.m.]

DEPARTMENT OF COMMERCE

Business and Defense Services Administration

BATTELLE MEMORIAL INSTITUTE

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6 (c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 68-00654-01-46040. Applicant: Battelle Memorial Institute Columbus Laboratories, 505 King Avenue, Columbus, Ohio 43201. Article: Electron microscope and tilting, rotating, and heating stage, Models HU-125E and HK-2B. Manufacturer: Hitachi, Ltd., Japan. Intended use of article: The electron microscope will be used in thin foil transmission investigations of beryllium to correlate microstructural features and changes in physical properties already determined; of tungsten to study recrystallization mechanisms; of uranium alloys to study irradiation effects; of platinum-iridium to correlate microstructural features to physical properties, and others. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, is being manufactured in the United States. Reasons: The only known comparable domestic instrument is the Model EMU-4 electron microscope manufactured by the Radio Corporation of America (RCA). Effective September 1968, the RCA Model EMU-4 has been redesigned to increase certain performance capabilities, with a quoted delivery time of 60 days. However, since the applicant placed the order for the foreign article on December 7, 1967, the determination of scientific equivalency has been made with reference to the characteristics and specifications of the RCA Model EMU-4 relevant at that time. The foreign article provides accelerating voltages of 25, 50, 75, 100, and 125 kilovolts. The prior RCA Model EMU-4, provided accelerating voltages of 50 and 100 kilovolts. The foreign article is intended to be used in studies on heavy materials like tungsten and platinum-iridium. It has been experimentally determined that the higher accelerating voltage of the foreign article affords optimum sample penetration and a greater amount of usable observation area. Therefore, the 125-kilovolt accelerating voltage of the foreign article is pertinent to the research purposes for which the foreign article is intended to be used.

For this reason, we find that the prior RCA Model EMU-4 is not of equivalent scientific value to the foreign article for the purposes for which the article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, which is being manufactured in the United States.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 68-13029; Filed, Oct. 25, 1968; 8:45 a.m.]

BAYLOR UNIVERSITY MEDICAL CENTER

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 69-00018-33-46040. Applicant: Baylor University Medical Center, 3500 Gaston Avenue, Dallas, Tex. 75246. Article: Electron microscope, Model EM 300. Manufacturer: Philips Electronic Instruments Corp., The Netherlands. Intended use of article: The article will be used for research on the ultrastructural characteristics of human cancer and characterization of certain dense intranuclear particles found in increased numbers in neoplastic specimens as compared to miscellaneous nonneoplastic tissues. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, is being manufactured in the United States. Reasons: The only known comparable domestic instrument is the Model EMU-4 electron microscope manufactured by the Radio Corporation of America (RCA). Effective September 1968, the RCA Model EMU-4 has been redesigned to increase certain performance capabilities, with a quoted delivery time of 60 days. However, since the applicant placed the order for the foreign

article on June 21, 1968, the determination of scientific equivalency has been made with reference to the characteristics and specifications of the RCA Model EMU–4 relevant at that time.

(1) The foreign article has a guaranteed resolution of 5 angstroms, whereas the RCA Model EMU–4 had a guaranteed resolution of 8 angstroms. (The lower the numerical rating in terms of angstrom units, the better the resolving capabilities.) For the purposes for which the foreign article is intended to be used, the highest possible resolving power must be utilized. Therefore, the additional resolving capabilities of the foreign article are pertinent.

(2) The foreign article provides accelerating voltages of 20, 40, 60, 80, and 100 kilovolts, whereas the RCA Model EMU–4 provided only 50 and 100 kilovolt accelerating voltages. It has been experimentally established that the lower accelerating voltage of the foreign article offers optimum contrast for thin unstained biological specimens and that the voltage intermediate between 50 and 100 kilovolts affords optimum contrast for negatively stained specimens. The research program with which the foreign article is intended to be used involves experiments on both unstained and negatively stained specimens. Therefore, the additional accelerating voltages provided by the foreign article are pertinent.

For these reasons, we find that the RCA Model EMU–4 is not of equivalent scientific value to the foreign article for the purposes for which such article is intended.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, which is being manufactured in the United States.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 68–13030; Filed, Oct. 25, 1968; 8:45 a.m.]

DOWNEY UNIFIED SCHOOL DISTRICT

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 68–00695–98–26000. Applicant: Downey Unified School District, Box 75, Downey, Calif. 90241. Article: Standard construction device for the theory of electricity, Model EG ZA/ZT B a, B b. Manufacturer: Dr. Clemenz, West Germany. Intended use of article: The article will be used in class for teaching the basic theory of electricity. The device teaches the student to construct electrical articles by actual practice and gives a basic understanding of the theory underlying the experiments. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, is being manufactured in the United States. Reasons: The foreign article is a device which is specially designed for teaching students in the principles of electricity. The only comparable instrument known to be manufactured in the United States is the generatized machine laboratory set described in Bulletin 191 of the Westinghouse Electric Corp. The domestic apparatus is limited to two-phase operation, whereas the foreign article is capable of three-phase operation. This difference is considered to be significant because it extends the range of electrical phenomena which can be demonstrated to students, and therefore, is a pertinent characteristic.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, which is being manufactured in the United States.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 68–13031; Filed, Oct. 25, 1968; 8:45 a.m.]

MORPHOLOGY IN BIOLOGICAL RESEARCH, INC.

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 68–00435–33–46040. Applicant: Morphology in Biological Research, Inc., 301 South Allen Street, Albany, N.Y. 12208. Article: Electron microscope, Model JEM–T7. Manufacturer: Japan Electron Optics Laboratory Co., Ltd., Japan. Intended use of article: The article will be used by a central teaching facility which will allow training of professional and technical personnel in the preparation and interpretation of electron micrographs of select clinical tissues. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which the foreign article is intended to be used, is being manufactured in the United States. Reasons: The foreign article is intended to be used for the instruction and training of practicing pathologists in electron microscopy to enable them to obtain more structural information from surgically removed tissues than is currently obtained from light microscopy. This information can be directly applied to the diagnosis, treatment or follow-up of patients. The foreign article is a relatively small, easily operated electron microscope that can produce a reasonable volume of low-powered electron micrographs as is required for the demonstration of the potential value of techniques of electron microscopy in patient care. The only known domestic electron microscope is the Model EMU–4 manufactured by the Radio Corporation of America (RCA). This domestic instrument is a relatively complex electron microscope designed for exacting research, which requires a skilled electron microscopist for its operation.

For this reason, we find that the RCA Model EMU–4 is not of equivalent scientific value to the foreign article for the purposes for which such article is intended.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, which is being manufactured in the United States.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 68–13032; Filed, Oct. 25, 1968; 8:45 a.m.]

NATIONAL INSTITUTES OF HEALTH

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 69–00020–33–46040. Applicant: National Institutes of Health, 9000 Rockville Pike, Bethesda, Md. 20014. Article: Electron microscope, Model EM–300. Manufacturer: N. V. Philips Gloeilampenfabrieken, The Netherlands. Intended use of article: The article will be used in connection with many of the research developmental and production projects which are carried on by the Viral Leukemia and Lymphoma Branch, Viral Biology Branch, and Special Virus-Leukemia Program. These projects require information gained only by electron microscopy. However, it is the interdisciplinary approach, which meshes the contributions of the biochemist, the virologist, and the molecular biologist with changes in ultrastructure, that the most meaningful understanding of carcinogenesis will be achieved. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, is being manufactured in the United States. Reasons: The only known comparable domestic instrument is the Model EMU–4 electron microscope manufactured by the Radio Corporation of America (RCA). Effective September 1968, the RCA Model EMU–4 has been redesigned to increase certain performance capabilities, with a quoted delivery time of 60 days. However, since the applicant placed the order for the foreign article on June 30, 1967, the determination of scientific equivalency has been made with reference to the characteristics and specifications of the RCA Model EMU–4 relevant at that time.

(1) The foreign article has a guaranteed resolution of 5 angstroms, whereas the RCA Model EMU–4 had a guaranteed resolution of 8 angstroms. (The lower the numerical rating in terms of angstrom units, the better the resolving capabilities.) For the purposes for which the foreign article is intended to be used, the highest possible resolving power must be utilized. Therefore, the additional resolving capabilities of the foreign article are pertinent.

(2) The foreign article provides accelerating voltages of 20, 40, 60, 80, and 100 kilovolts, whereas the RCA Model EMU–4 provided only 50 and 100 kilovolt accelerating voltages. It has been experimentally established that the lower accelerating voltage of the foreign article offers optimum contrast for thin unstained biological specimens and that the voltage intermediate between 50 and 100 kilovolts affords optimum contrast for negatively stained specimens. The research program with which the foreign article is intended to be used involves experiments on both unstained and negatively stained specimens. Therefore, the additional accelerating voltages provided by the foreign article are pertinent.

For these reasons, we find that the RCA Model EMU–4 is not of equivalent scientific value to the foreign article for the purposes for which such article is intended.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, which is being manufactured in the United States.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 68–13033; Filed, Oct. 25, 1968; 8:45 a.m.]

NATIONAL INSTITUTES OF HEALTH

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 69–00019–33–46040. Applicant: National Institutes of Health, 9000 Rockville Pike, Bethesda, Md. 20014. Article: Electron microscope, Model EM–300. Manufacturer: N.V. Philips Gloeilampenfabrieken, The Netherlands. Intended use of article: The article will be used in connection with many of the research developmental and production projects which are carried on by the Viral Leukemia and Lymphoma Branch, Viral Biology Branch, and Special Virus-Leukemia Program. These projects require information gained only by electron microscopy. However, it is the interdisciplinary approach, which meshes the contributions of the biochemist, the virologist, and the molecular biologist with changes in ultrastructure, that the most meaningful understanding of carcinogenesis will be achieved. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, is being manufactured in the United States. Reasons: The only known comparable domestic instrument is the Model EMU–4 electron microscope manufactured by the Radio Corporation of America (RCA). Effective September 1968, the RCA Model EMU–4 has been redesigned to increase certain performance capabilities, with a quoted delivery time of 60 days. However, since the applicant placed the order for the foreign article on June 30, 1967, the determination of scientific equivalency has been made with reference to the characteristics and specifications of the RCA Model EMU–4 relevant at that time.

(1) The foreign article has a guaranteed resolution of 5 angstroms, whereas the RCA Model EMU–4 had a guaranteed resolution of 8 angstroms. (The lower the numerical rating in terms of angstrom units, the better the resolving capabilities.) For the purposes for which the foreign article is intended to be used, the highest possible resolving power must be utilized. Therefore, the additional resolving capabilities of the foreign article are pertinent.

(2) The foreign article provides accelerating voltages of 20, 40, 60, 80, and 100 kilovolts, whereas the RCA Model EMU–4 provided only 50 and 100 kilovolt accelerating voltages. It has been experimentally established that the lower accelerating voltage of the foreign article offers optimum contrast for thin unstained biological specimens and that the voltage intermediate between 50 and 100 kilovolts affords optimum contrast for negatively stained specimens. The research program with which the foreign article is intended to be used involves experiments on both unstained and negatively stained specimens. Therefore, the additional accelerating voltages provided by the foreign article are pertinent.

For these reasons, we find that the RCA Model EMU–4 is not of equivalent scientific value to the foreign article for the purposes for which such article is intended.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, which is being manufactured in the United States.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 68–13034; Filed, Oct. 25, 1968; 8:45 a.m.]

NATIONAL INSTITUTES OF HEALTH

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 69–00025–33–46500. Applicant: National Institutes of Health, Building 10, Room 11N 313, Bethesda, Md. 20014. Article: Ultramicrotome, LKB 8800A Ultrotome III. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used for sectioning thin sections of uniform thickness for comparative studies using enzyme digestions. This will be in connection with elucidating the chemical morphology of viruses. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, is being manufactured in the United States. Reasons: (1) The only known comparable domestic instrument is the Model MT–2 ultramicrotome manufactured by Ivan Sorvall, Inc. (Sorvall). For the purposes for which the foreign article is intended to be used, the applicant requires an ultramicrotome capable of cutting sections of biological specimens down to 50 angstroms (1965 catalog for the "Ultrotome III" Ultramicrotome, LKB Produkter AB, Stockholm, Sweden). The thin-sectioning capability of the Sorvall Model MT–2 is specified as 100 angstroms (1966 catalog for Sorvall "Porter-Blum" MT–1 and MT–2 Ultramicrotomes, Ivan Sorvall, Inc., Norwalk), Conn.). The better thin-sectioning capability of the foreign article is pertinent because the thinner the section that can be examined under an electron microscope, the more is it possible to take advantage of the ultimate resolving power of the electron microscope. (2) The applicant requires an ultramicrotome capable of reproducing a series of ultrathin sections with consistent accuracy and uniformity. This capability in the required dimensions can be furnished only with microtomes based on the thermal advance principle. The foreign article is equipped with a thermal advance system for ultrathin sectioning, in addition to a mechanical advance for thicker sections (see "Ultrotome III" catalog cited above). The Sorvall Model MT–2 is equipped only with a mechanical advance system for all thicknesses. (See Sorvall Model MT–2 catalog cited above). Ultramicrotomes employing the mechanical advance utilize a system of gears to advance the specimen and, inherent in such systems are backlash and slippage no matter how slight. In mechanical systems, the variation in thickness is bound to be greater than in thermal systems even when both are functioning at their best. We therefore find that the thermal advance of the foreign article is pertinent to the purposes for which such article is intended to be used. (3) The foreign article incorporates a device which permits measuring the knife-angle setting to an accuracy of one degree (see catalog on "Ultratome III"), whereas no similar device is specified in the Sorvall catalog. The capability of accurately measuring the setting of the knife-angle is pertinent because the thickness of the section is varied by varying the angle at which the knife enters the specimen.

For the foregoing reasons, we find that the Sorvall Model MT–2 ultramicrotome is not of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, which is being manufactured in the United States.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 68–13035; Filed, Oct. 25, 1968; 8:45 a.m.]

RIO HONDON JUNIOR COLLEGE DISTRICT

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 68–00694–98–26000. Applicant: Rio Hondon Junior College District, 3600 Workman Mill Road, Whittier, Calif. 90608. Article: Device for the Theory of Electricity, Model EG ZA/ZT B. Manufacturer: Dr. Clemenz, West Germany. Intended use of article: The article will be used as a teaching aid for conducting a wide range of experiments in connection with the theory of electricity instructions. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, is being manufactured in the United States. Reasons: The foreign article is a device which is specially designed for teaching students in the principles of electricity. The only comparable instrument known to be manufactured in the United States is the generatized machine laboratory set described in Bulletin 191 of the Westinghouse Electric Corp. The domestic apparatus is limited to two-phase operation, whereas the foreign article is capable of three-phase operation. This difference is considered to be significant because it extends the range of electrical phenomena which can be demonstrated to students and, therefore, is a pertinent characteristic.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, which is being manufactured in the United States.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 68–13036; Filed, Oct. 25, 1968; 8:45 a.m.]

UNION COLLEGE

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 69–00023–33–46040. Applicant: Union College, Center for Science and Engineering, Schenectady, N.Y. 12308. Article: Electron microscope, HU–11E. Manufacturer: Hitachi, Ltd., Japan. Intended use of article: The article will be used for both research and teaching purposes. Research programs already in progress are as follows:

1. Fine structure and cytochemistry of fertilization in coenocytic marine algae. Changes in membrane ultrastructure during fertilization will be studied as a possible block to polyspermy which has not been observed in this organism.

2. Identification of the causative agent producing mammary tumors in mice, and an ultrastructural study of the virus-like B-particle which is intimately associated with the oncogenic process.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, is being manufactured in the United States. Reasons: The only known comparable domestic instrument is the Model EMU–4 electron microscope manufactured by the Radio Corporation of America (RCA). Effective September 1968, the RCA Model EMU–4 has been redesigned to increase certain performance capabilities, with a quoted delivery time of 60 days. However, since the applicant placed the order for the foreign article on June 17, 1968, the determination of scientific equivalency has been made with reference to the characteristics and specifications of the RCA Model EMU–4 relevant at that time. The foreign article provides accelerating voltages of 25, 50, 75, and 100 kilovolts. The

only known comparable domestic electron microscope, the RCA Model EMU–4, provided accelerating voltages of 50 and 100 kilovolts. The foreign article is intended to be used in experiments on ultrathin biological specimens. It has been experimentally determined that the lower accelerating voltages of the foreign article afford optimum contrast for unstained ultrathin specimens. Therefore, the 25-kilovolt accelerating voltage of the foreign article is pertinent to the research purposes for which the foreign article is intended to be used.

For this reason, we find that the RCA Model EMU–4 is not of equivalent scientific value to the foreign article for the purposes for which the article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, which is being manufactured in the United States.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 68–13037; Filed, Oct. 25, 1968; 8:45 a.m.]

VETERANS ADMINISTRATION CENTER

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 69–00001–33–46040. Applicant: Veterans Administration Center, Wilshire and Sawtelle Boulevards, Los Angeles, Calif. 90073. Article: Electron microscope, Model HS–8, with plate drier, two fore pumps, magnetic stabilizer, and line voltage regulator auto transformer. Manufacturer: Hitachi Ltd., Japan. Intended use of article: The article will be used for examination and photomicrography of microbes, tissue, and tissue homogenates in studies of ultrastructure and function of membranes and other fine cellular elements of biological and medical significance. It will also be used by high school students in the summer work program for students from poverty level families. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, is being manufactured in the United States. Reasons: The only known comparable domestic instrument is the Model EMU–4 electron microscope manufactured by the Radio Corporation of America (RCA). Effective September 1968, the RCA Model EMU–4 has been redesigned to increase certain performance capabilities, with a quoted delivery time of 60 days. However, since the applicant placed the order for the foreign article prior to July 1, 1968, the determination of scientific equivalency has been made with reference to the characteristics and specifications of the RCA Model EMU–4 relevant at that time. The foreign article provides accelerating voltages of 25 and 50 kilovolts. The only known comparable domestic electron microscope, the RCA Model EMU–4, provided accelerating voltages of 50 and 100 kilovolts. The foreign article is intended to be used in experiments on ultrathin biological specimens. It has been experimentally determined that the lower accelerating voltages of the foreign article afford optimum contrast for unstained ultrathin specimens. Therefore, the 25 kilovolt accelerating voltage of the foreign article is pertinent to the research purposes for which the foreign article is intended to be used.

For this reason, we find that the RCA Model EMU–4 is not of equivalent scientific value to the foreign article for the purposes for which the article is intended to be used.

The Department of Commerce knows of no other instrument of apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, which is being manufactured in the United States.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 68–13038; Filed, Oct. 25, 1968; 8:45 a.m.]

National Bureau of Standards

NATIONAL BUREAU OF STANDARDS RADIO STATIONS

Notice of Standard Frequency and Time Broadcasts

In accordance with National Bureau of Standards policy of giving monthly notices regarding changes of phases in seconds pulses, notice is hereby given that there will be no adjustment in the phase of coordinate seconds pulses emitted from the low frequency radio station WWVB, Fort Collins, Colo., on December 1, 1968. The carrier frequency of WWVB is 60 kHz and is broadcast without offset with respect to standard coordinate frequency. These emissions are made following the stepped atomic times (SAT) system as coordinated by the Bureau International de l'Heure (BIH).

Notice is also hereby given that there will be no adjustments in the phases of time pulses emitted from the high frequency radio stations WWV, Fort Collins, Colo., and WWVH, Maui, Hawaii, on December 1, 1968. These pulses at present occur at intervals which are longer than one coordinate second by 300 parts in 10^{10}. This is due to the offset maintained in the carrier frequencies of these stations following the Universal Time (UTC) system as coordinated by the BIH.

I. C. SCHOONOVER,
Acting Director.

OCTOBER 15, 1968.

[F.R. Doc. 68–13039; Filed, Oct. 25, 1968; 8:46 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social Security Administration

FINLAND

Foreign Social Insurance or Pension System

Section 202(t)(2) of the Social Security Act (42 U.S.C. 402(t)(2)) authorizes and requires the Secretary of Health, Education, and Welfare to find whether a foreign country has in effect a social insurance or pension system which is of general application in such country and under which periodic benefits, or the actuarial equivalent thereof, are paid on account of old age, retirement, or death (section 202(t)(2)(A)); and whether individuals who are citizens of the United States but not citizens of such foreign country and who qualify for such benefits are permitted to receive such benefits or the actuarial equivalent thereof while outside such foreign country without regard to the duration of the absence (section 202(t)(2)(B)).

Pursuant to authority duly vested in him by the Secretary of Health, Education, and Welfare, the Commissioner of Social Security has approved a finding that Finland has a social insurance or pension system of general application which meets section 202(t)(2)(A) in that it pays periodic benefits on account of old age, retirement, or death. On May 17, 1968, pursuant to an exchange of notes between the U.S. Embassy at Helsinki and the Finnish Ministry of Foreign Affairs, Finland removed the restrictions on the payment of benefits under the Finnish social insurance and pension systems to qualified U.S. citizens while outside Finland, effective as of May 1968, thus permitting payment of benefits to qualified U.S. citizens while outside Finland without regard to the duration of the absence. Therefore, the Finnish social insurance and pension systems meet the requirements of section 202(t)(2)(B).

Accordingly, it is hereby determined and found that Finland has in effect, beginning with May 1968, a social insurance or pension system which meets the requirements of section 202(t)(2)(A)

and (B) of the Social Security Act (42 U.S.C. 402(t)(2) (A) and (B)).

This revises the finding published in the FEDERAL REGISTER of April 6, 1960 (25 F.R. 2939).

Dated: October 2, 1968.

[SEAL] ROBERT M. BALL,
Commissioner of Social Security.

Approved: October 22, 1968.

WILBUR J. COHEN,
Secretary of Health, Education, and Welfare.

[F.R. Doc. 68-13080; Filed, Oct. 25, 1968; 8:49 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-309]

MAINE YANKEE ATOMIC POWER CO.

Notice of Issuance of Provisional Construction Permit

Notice is hereby given that, pursuant to the initial decision of the Atomic Safety and Licensing Board, dated October 17, 1968, the Director of the Division of Reactor Licensing has issued Provisional Construction Permit No. CPPR-55 to Maine Yankee Atomic Power Co. for the construction of a pressurized water nuclear reactor at the Maine Yankee Atomic Power Station on the west shore of the Back River, in Wiscasset, Lincoln County, Maine. The reactor is designed for initial operation at approximately 2,440 thermal megawatts.

A copy of the initial decision is on file in the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Dated at Bethesda, Md., this 21st day of October 1968.

For the Atomic Energy Commission.

PETER A. MORRIS,
Director,
Division of Reactor Licensing.

[F.R. Doc. 68-13028; Filed, Oct. 25, 1968; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 17657 et al.]

EXECUTIVE JET AVIATION, INC.

Notice of Postponement of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that hearing in the above-entitled proceeding is postponed to be held on November 6, 1968, at 10 a.m., e.s.t., in Room 911, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before the undersigned Examiner.

Dated at Washington, D.C. October 22, 1968.

[SEAL] MILTON H. SHAPIRO,
Hearing Examiner.

[F.R. Doc. 68-13074; Filed, Oct. 25, 1968; 8:48 a.m.]

[Docket Nos. 19563-19567; Order 68-10-109]

ROSS AVIATION, INC.

Order To Show Cause Regarding Establishment of Service Mail Rate

Issued under delegated authority on October 21, 1968.

By notices of intent filed on February 6, 1968, pursuant to 14 CFR Part 298, the Postmaster General petitioned the Board to establish for Ross Aviation, Inc. (Ross), an air taxi operator, final service mail rates for the transportation of mail by aircraft. These final rates were established by Order E-26507, dated March 12, 1968.

On October 1, 1968, the Postmaster General filed petitions on behalf of Ross requesting the Board to fix new final service mail rates for this transportation of mail. The current and proposed rates per great circle aircraft mile are as follows:

Docket	Between	Rate in cents	
		Current	Proposed
19563	Poteau, McAlester, and Oklahoma City, Okla.	24.86	33.13
19564	Liberal, Kans., and Oklahoma City, Okla.	21.34	28.05
19565	Altus, Lawton, and Oklahoma City, Okla.	30.19	47.30
19566	Woodward, Clinton, and Oklahoma City, Okla.	21.98	37.15
19567	Ponca City, Enid, and Oklahoma City, Okla.	28.89	40.44

The Postmaster General states that since the submission by Ross of the proposals which resulted in establishment of the current rates the air taxi operator has experienced increased costs as a result of additional requirements imposed by the Post Office Department and in some cases new or increased landing and ramp fees imposed by airport operators. The Postmaster General further states that these increases in costs were not known nor reasonably foreseeable at the time the original petitions were filed. Because of these increased costs, the Postmaster General petitions the new final service mail rates.

The Postmaster General states that the proposed rates are acceptable to the Department and the carrier and represent fair and reasonable rates of compensation for the performance of these services under the present requirements of the Department.

The Board finds it is in the public interest to determine, adjust, and establish the fair and reasonable rates of compensation to be paid by the Postmaster General for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, between the aforesaid points. Upon consideration of the petitions and other matters officially noticed, it is proposed to issue an order[1] to include the following findings and conclusions:

On and after October 1, 1968, the fair and reasonable final service mail rates per great circle aircraft mile to be paid in their entirety to Ross by the Postmaster General pursuant to section 406 of the Act for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, shall be as follows:

Docket	Between	Cents
19563	Poteau, McAlester, and Oklahoma City, Okla.	33.13
19564	Liberal, Kans., and Oklahoma City, Okla.	28.05
19565	Altus, Lawton, and Oklahoma City, Okla.	47.30
19566	Woodward, Clinton, and Oklahoma City, Okla.	37.15
19567	Ponca City, Enid, and Oklahoma City, Okla.	40.44

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 406 thereof, and regulations promulgated in 14 CFR Part 302, 14 CFR Part 298, and 14 CFR 385.14(f):

It is ordered, That:

1. Ross Aviation, Inc., the Postmaster General, Continental Air Lines, Inc., Frontier Airlines, Inc., and all other interested persons are directed to show cause why the Board should not adopt the foregoing proposed findings and conclusions and fix, determine, and publish the final rates for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith as specified therein as the fair and reasonable rates of compensation to be paid to Ross Aviation, Inc.;

2. Further procedures herein shall be in accordance with 14 CFR Part 302, and notice of any objection to the rates or to the other findings and conclusions proposed herein, shall be filed within 10 days, and if notice is filed, written answer and supporting documents shall be filed within 30 days after service of this order;

3. If notice of objection is not filed within 10 days after service of this order, or if notice is filed and answer is not filed within 30 days after service of this order, all persons shall be deemed to have waived the right to a hearing and all other procedural steps short of a final decision by the Board, and the Board may enter an order incorporating the findings and conclusions proposed herein and fix and determine the final rates specified herein;

4. If answer is filed presenting issues for hearing, the issues involved in determining the fair and reasonable final

[1] As this order to show cause is not a final action but merely affords interested persons an opportunity to be heard on the matters herein proposed, it is not regarded as subject to the review provisions of Part 385 (14 CFR Part 385). These provisions for Board review will be applicable to final action taken by the staff under authority delegated in § 385.14(g).

rates shall be limited to those specifically raised by the answer, except insofar as other issues are raised in accordance with Rule 307 of the rules of practice (14 CFR 302.307); and

5. This order shall be served upon Ross Aviation, Inc., the Postmaster General, Continental Air Lines, Inc., and Frontier Airlines, Inc.

This order will be published in the FEDERAL REGISTER.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 68-13075; Filed, Oct. 25, 1968; 8:48 a.m.]

[Docket No. 20374]

AIR ATLANTIC LTD.

Notice of Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on November 4, 1968, at 10 a.m., e.s.t., in Room 911, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Examiner E. Robert Seaver.

Requests for information and evidence shall be served by October 30, 1968.

Dated at Washington, D.C., October 23, 1968.

[SEAL] THOMAS L. WRENN,
Chief Examiner.

[F.R. Doc. 68-13117, Filed, Oct. 25, 1968; 8:49 a.m.]

FEDERAL POWER COMMISSION

[Docket No. G-7229 etc.]

ARKLA EXPLORATION CO. ET AL.

Notice of Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates [1]

OCTOBER 17, 1968.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before November 15, 1968.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on all applications in which no protest or petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given: Provided, however, that pursuant to § 2.56, Part 2, Statement of General Policy and Interpretations, Chapter I of Title 18 of the Code of Federal Regulations, as amended, all permanent certificates of public convenience and necessity granting applications, filed after July 1, 1967, without further notice, will contain a condition precluding any filing of an increased rate at a price in excess of that designated for the particular area of production for the period prescribed therein unless at the time of filing of protests or petitions to intervene the Applicant indicates in writing that it is unwilling to accept such a condition. In the event Applicant is unwilling to accept such condition the application will be set for formal hearing.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

Docket No. and date filed	Applicant	Purchaser, field, and location	Price per Mcf	Pressure base
G-7229 D 10-2-68	Arkla Exploration Co	Mississippi River Transmission Corp., West Unionville Field, Lincoln Parish, La.	(1)	
G-11809 C 9-16-68	Marathon Oil Co.,[2] 539 South Main St., Findlay, Ohio 45840.	Northern Natural Gas Co., acreage in Lea County, N. Mex.	11.7213	14.65
G-13299 D 10-2-68	Sinclair Oil & Gas Co. (Operator) et al., Post Office Box 521, Tulsa, Okla. 74102.	Michigan Wisconsin Pipe Line Co., Laverne Area, Beaver County, Okla.	Assigned	
G-17379 D 8-16-68	Texaco, Inc. (Operator) et al., Post Office Box 52332, Houston, Tex. 77052.	Transwestern Pipeline Co., acreage in Clark County, Kans.	(3)	
CI60-604 8-12-68 [4]	Uniou Oil Co. of California (Operator) et al., Union Oil Center, Los Angeles, Calif. 90017.	El Paso Natural Gas Co., Spraberry Field, Midland County, Tex.	[5] 14.5	14.65
CI65-585 9-18-68 [6]	George T. Abell, Post Office Box 530, Midland, Tex. 79701.	El Paso Natural Gas Co., Red Hills Area, Lea County, N. Mex.	[7] 17.69	14.65
CI65-799 C 10-7-68	Gulf Oil Corp., Post Office Box 1589, Tulsa, Okla. 74102.	Natural Gas Pipeline Co. of America, Mobeetie (Missouri) Field, Wheeler County, Tex.	17.0	14.65
CI68-603 C 7-12-68	Mapco Production Co.,[2] 800 Oil Center Bldg., Tulsa, Okla. 74119.	Northern Natural Gas Co., acreage in Crockett, Crane, and Pecos Counties, Tex.	[8] 16.5 [9] 14.5	14.65
CI68-907 C 10-4-68	Petrolia Drilling Corp., Post Office Box 14, Birmingham, Mich. 48012.	Arkansas Louisiana Gas Co., Enid Area, Garfield County, Okla.	15.0	14.65
CI69-309 B 9-23-68	Texas Oil & Gas Corp., 2520 Fidelity Union Tower, Dallas, Tex. 75201.	Florida Gas Transmission Co., West Nueces Bay Field, Nucces County, Tex.	(10)	
CI69-310 (CI66-498) F 9-23-68	Texas Oil & Gas Corp. (successor to Phillips Petroleum Co.).	do	[11] 15.0	14.65
CI69-334 A 9-27-68	Sun Oil Co.[2] (Southwest Division), 1608 Walnut St., Philadelphia, Pa. 19103.	Natural Gas Pipeline Co. of America, Crittendon (Pennsylvanian) Field, Winkler County, Tex.	[11] 16.5	14.65
CI69-343 B 10-7-68	H. F. Sears	El Paso Natural Gas Co., Bisti Field, San Juan County, N. Mex.	(12)	
CI69-344 A 10-4-68	Tenneco Oil Co., Post Office Box 2511, Houston, Tex. 77001.	Cities Service Gas Co., Waynoka Northeast Field, Woods County, Okla.	[13] 14.0	14.65
CI69-345 A 10-4-68	James A. Ford, d.b.a. Cypress Gas Co., Post Office Box 9102, Shreveport, La. 71109.	Arkansas Louisiana Gas Co., Northwest Cartersville Field, Le Flore and Haskell Counties, Okla.	15.0	14.65
CI69-346 (G-4579) F 10-1-68	Prairie Producing Co. (successor to Cities Service Oil Co.), 573 Main Bldg., Houston, Tex. 77002.	Trunkline Gas Co., Ramsey Field, Colorado County, Tex.	15.0	14.65
CI69-347 (G-18038) F 9-25-68	R. I. Wolfson et al. (successor to Shell Oil Co.), 3206 Republic National Bank Tower, Dallas, Tex. 75201.	Lone Star Gas Co., Big Mineral Field, Grayson County, Tex.	[14] 16.56	14.65
CI69-348 A 10-3-68	Mesa Petroleum Co. (Operator) et al., Post Office Box 2009, Amarillo, Tex. 79105.	Michigan Wisconsin Pipe Line Co., Northeast Seiling Field, Woodward County, Okla.	[15] 17.0	14.65
CI69-349 A 10-8-68	Fairman Drilling Co., Post Office Box 288, Dubois, Pa. 15801.	Consolidated Gas Supply Corp., Banks Township, Indiana County, Pa.	27.5	15.325
CI69-350 B 10-2-68	Blanco Oil Co., 1100 Alamo National Bldg., San Antonio, Tex. 78205.	Texas Eastern Transmission Corp., South Cottonwood Creek Field, De Witt County, Tex.	Depleted	
CI69-351 A 9-30-68	Mobil Oil Corp., Post Office Box 2444, Houston, Tex. 77001.	Pacific Lighting Service & Supply Co., acreage in Offshore Santa Barbara County, Calif.	[16] 27.0 [17] 28.0	14.73
CI69-352 B 10-2-68	Blanco Oil Co	Texas Eastern Transmission Corp.; Sal del Rey Field, Hidalgo County, Tex.	Depleted	
CI69-354 A 10-9-68	Charles T. McCord, Jr., 1705 Beck Bldg., Shreveport, La. 71101.	United Gas Pipe Line Co., Ada Field, Bienville Parish, La.	18.5	15.025

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

See footnotes at end of table.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

Docket No. and date filed	Applicant	Purchaser, field, and location	Price per Mcf	Pressure base
CI69-355 A 10-4-68	Union Producing Co., 900 Southwest Tower, Houston, Tex. 77002.	Tennessee Gas Pipeline Co., a division of Tenneco Inc., East Atchafalaya Bay Field, St. Mary Parish, La.	21.25	15.025
CI69-356 A 10-8-68	Hugh A. Hawthorne et al., Post Office Box 52429, OCS, Lafayette, La. 70501.	Florida Gas Transmission Co., North Edna Field, Jefferson Davis and Allen Parishes, La.	18.0	15.025

[1] The properties from which sales are proposed to be abandoned will be acquired by Purchaser for use as underground storage.
[2] Applicant has agreed to accept authorization conditioned as Opinion No. 468, as modified by Opinion No. 468-A.
[3] Lease expired due to absence of production.
[4] Petition to amend certificate to include interest of coowner, Humble Oil & Refining Co.
[5] Per order issued Aug. 9, 1968, in AR61-1 et al. Previous rate of 17.2295 cents per Mcf, effective subject to refund in Docket No. RI61-27.
[6] The certificate issued in this docket was terminated concurrently with the issuance of a small-producer certificate in Docket No. CS66-109, and Applicant continued service pursuant to the latter certificate. Applicant now proposes to continue service pursuant to a reinstated certificate in the instant docket. Applicant states its willingness to accept certificate consistent with Opinion No. 468, as modified by Opinion No. 468-A.
[7] Includes tax reimbursement and B.t.u. adjustment. Subject to upward and downward B.t.u. adjustment.
[8] New gas-well gas or residue therefrom.
[9] Residue gas not derived from new gas-well gas.
[10] Estimated recoverable reserves are insufficient to justify laying necessary pipeline.
[11] Subject to upward and downward B.t.u. adjustment.
[12] Production ceased due to water from waterflood.
[13] Subject to three-fourths-cent dehydration charge.
[14] Rate in effect subject to refund in Docket No. RI65-475.
[15] Contract rate is 19.5 cents per Mcf; however, Applicant states its willingness to accept certificate conditioned to 17 cents per Mcf.
[16] Casinghead gas.
[17] Nonassociated gas.

[F.R. Doc. 68-12987; Filed, Oct. 25, 1968; 8:45 a.m.]

[Docket No. RI69-136 etc.]

ESTATE OF RUSSELL MAGUIRE ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates [1]

OCTOBER 10, 1968.

The Respondents named herein have filed proposed increased rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act.

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before November 27, 1968.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Acting Secretary.

[1] Does not consolidate for hearing or dispose of the several matters herein.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in Dockets Nos.
RI69-136	Estate of Russell Maguire (Operator) et al., 4200 First National Bank Bldg., Dallas, Tex. 75202.	6	2	Natural Gas Pipeline Co. of America (Boonsville Bend Conglomerate Field, Jack County, Tex.) (RR. District No. 9).	$642	9-12-68	[2] 11-1-68	4-1-69	[5] 14.98	[3 4 6] 16.05	
	do	10	1	Panhandle Eastern Pipe Line Co. (Southeast Floris Field, Beaver County, Okla.) (Panhandle Area).	5,500	9-12-68	[2] 11-1-68	4-1-69	[6] 17.0	[3 4 6] 18.0	
RI69-137	Sinclair Oil & Gas Co., Post Office Box 521, Tulsa, Okla. 74102.	325	16	Texas Eastern Transmission Corp. (Greenwood Waskom Field, Caddo Parish, La.) (North Louisiana).	487	9-12-68	[2] 11-1-68	4-1-69	[8] 16.3654	[3 7 8] 17.3654	
	do	302	6	El Paso Natural Gas Co. (Piceance Creek Field, Rio Blanco County, Colo.).	2,150	9-19-68	[2] 10-20-68	3-20-69	12.78	[3 7] 13.78	
	do	370	1	Kansas-Nebraska Natural Gas Co. (Castle Garden Field, Fremont County, Wyo.).	1,400	9-19-68	[2] 10-20-68	3-20-69	15.0	[3 4] 16.0	
RI69-138	Shell Oil Co. (Operator) et al., 50 West 50th St., New York, N.Y. 10020.	291	10	Panhandle Eastern Pipe Line Co. (Avard and W. Valley Center Areas, Woods and Dewey Counties, Okla.) (Oklahoma "Other" Area).	21,520	9-18-68	[9] 10-19-68	3-19-69	[10] 18.190	[3 4 10] 20.880	
RI69-139	Sun Oil Co., 1608 Walnut St., Philadelphia, Pa. 19103, Attn: Mr. Charles E. Webber.	23	19	Texas Eastern Transmission Corp. (Carthage Field, Panola County, Tex.) (RR. District No. 6).	3,000	9-16-68	[2] 11-1-68	4-1-69	15.6	[3 4] 16.6	RI67-33.
	do	91	13	Texas Eastern Transmission Corp. (Hidalgo Field, Hidalgo County, Tex.) (RR. District No. 4).	200	9-16-68	[2] 11-1-68	4-1-69	[6] 15.6	[3 4 6] 16.6	RI67-331.
RI69-140	Samedan Oil Corp., Post Office Box 909, Ardmore, Okla. 73401.	25	4	Arkansas Louisiana Gas Co. (Arkoma Area, Le Flore County, Okla.) (Oklahoma "Other" Area).	381	9-19-68	[2] 10-20-68	3-20-69	15.0	[3 4 11] 16.015	
RI69-141	W. B. Osborn, Jr. (Operator) et al., Post Office Box 6767, San Antonio, Tex. 78209.	25	4	Panhandle Eastern Pipe Line Co. (North Hopeton Field, Woods County, Okla.) (Oklahoma "Other" Area).	12,034	9-20-68	[9] 10-21-68	3-21-69	[13] 16.5	[4 12 13] 18.7	
RI69-142	American Petrofina Co. of Texas, Post Office Box 2159, Dallas, Tex. 75221, Attn.: Walker W. Smith, Esq.	75	5	El Paso Natural Gas Co. (Pinal Dome Area, Loving County, Tex.) (RR. District No. 8) (Permian Basin Area).	6,329	9-11-68	[9] 10-12-68	3-12-69	16.40	[3 4 14] 17.40	

See footnotes at end of table.

APPENDIX A—Continued

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI69-143	Sinclair Oil & Gas Co. (Operator) et al., (Post Office Box 521, Tulsa, Okla. 74102, Attn.: Mr. P. T. Davis.	245	1	Kansas-Nebraska Natural Gas Co. (Castle Garden Field, Fremont County, Wyo.).	1,890	9-19-68	[2] 10-20-68	3-20-69	15.0	[4] 16.0	

[2] The stated effective date is the effective date requested by Respondent.
[3] Periodic rate increase.
[4] Pressure base is 14.65 p.s.i.a.
[5] Includes base price of 14 cents plus 0.98 cent upward B.t.u. adjustment (1,070 B.t.u. gas) before increase and base price of 15 cents plus 1.05 cents upward B.t.u. adjustment after increase. Base price subject to proportional upward and downward B.t.u. adjustment from 1,000 B.t.u., and adjustment for delivery pressure above and below 650 p.s.i.g. Buyer also pays seller 0.25 cent per Mcf for all gas dehydrated in seller's dehydrator.
[6] Subject to a downward B.t.u. adjustment.
[7] Pressure base is 15.025 p.s.i.a.
[8] Includes 1.75 cents tax reimbursement.
[9] The stated effective date is the first day after expiration of the statutory notice
[10] Includes base rate of 17 cents plus 1.190 cents upward B.t.u. adjustment (1,070 B.t.u. gas) before increase and a base rate of 19.5 cents plus 1.365 cents upward B.t.u. adjustment plus 0.015 cent tax reimbursement after increase. Base rate subject to upward and downward B.t.u. adjustment.
[11] Includes 0.015-cent rax reimbursement.
[12] Filing from certificated rate to initial contract rate.
[13] Includes base price of 15 cents plus 1.5 cents upward B.t.u. adjustment (1,100 B.t.u. gas) before increase and base rate of 17 cents plus 1.7 ceuts upward B.t.u. adjustment after increase. Base rate subject to upward and downward B.t.u. adjustment.
[14] Contractually provided rate is 17.5 cents. The quality statement provides for a 0.10 cent adjustment for dehydration which has been deducted from the contract rate.

Shell Oil Co. (Operator) et al., request that their proposed rate increase be permitted to become effective as of October 1, 1968. W. B. Osborn, Jr. (Operator), et al., request an effective date of October 20, 1968, for their proposed rate increase, and American Petrofina Company of Texas requests that its proposed rate increase be permitted to become effective on October 10, 1968. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit earlier effective dates for the aforementioned producers' rate filings and such requests are denied.

All of the producers' proposed increased rates and charges exceed the applicable area price levels for increased rates as set forth in the Commission's statement of general policy No. 61-1, as amended (18 CFR 2.56).

[F.R. Doc. 68-12986; Filed, Oct. 25, 1968; 8:45 a.m.]

FEDERAL RESERVE SYSTEM

DACOTAH BANK HOLDING CO.

Notice of Application for Approval of Acquisition of Shares of Banks

Notice is hereby given that application has been made to the Board of Governors of the Federal Reserve System pursuant to section 3(a)(1) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842 (a)(1)), by Dacotah Bank Holding Co., Aberdeen, S. Dak., for prior approval of the Board of action whereby Applicant would become a bank holding company through the acquisition of up to 100 percent of the voting shares of each of the following banks: Citizens Bank of Mobridge, Mobridge, S. Dak.; Farmers & Merchants Bank, Aberdeen, S. Dak.; and Citizens State Bank, Clark, S. Dak. Applicant already owns 69 percent of the voting shares of Security Bank, Webster, S. Dak.

Section 3(c) of the Act, as amended, provides that the Board shall not approve (1) any acquisition or merger or consolidation under this section which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States, or (2) any other proposed acquisition or merger or consolidation under this section whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless it finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

Section 3(c) further provides that, in every case, the Board shall take into consideration the financial and managerial resources and future prospects of the company or companies and the banks concerned, and the convenience and needs of the community to be served.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The application may be inspected at the office of the Board of Governors or the Federal Reserve Bank of Minneapolis.

Dated at Washington, D.C., this 21st day of October 1968.

By order of the Board of Governors.

[SEAL] ROBERT P. FORRESTAL,
Assistant Secretary.

[F.R. Doc. 68-13065; Filed, Oct. 25, 1968; 8:48 a.m.]

PAN AMERICAN BANCSHARES, INC.

Notice of Application for Approval of Acquisition of Shares of Banks

Notice is hereby given that application has been made to the Board of Governors of the Federal Reserve System pursuant to section 3(a)(1) of the Bank Holding Company Act of 1956, (12 U.S.C. 1842 (a)(1)), by Pan American Bancshares, Inc., Miami, Fla., for prior approval of the Board of action whereby Applicant would become a bank holding company through the acquisition of 93.7 percent of the voting shares of Pan American Bank of Miami, Miami, Fla.; 80 percent or more of the voting shares of Bank of Dade County, North Dade County (Post Office North Miami Beach), Fla.; and 51 percent or more of the voting shares of Manufacturers National Bank of Hialeah, Hialeah, Fla.

Section 3(c) of the Act, as amended, provides that the Board shall not approve (1) any acquisition or merger or consolidation under this section which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States, or (2) any other proposed acquisition or merger or consolidation under this section whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless it finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

Section 3(c) further provides that, in every case, the Board shall take into consideration the financial and managerial resources and future prospects of the company or companies and the banks concerned, and the convenience and needs of the community to be served.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The application may be inspected at the office of the Board of Governors or the Federal Reserve Bank of Atlanta.

Dated at Washington, D.C., this 21st day of October 1968.

By order of the Board of Governors.

[SEAL] ROBERT P. FORRESTAL,
Assistant Secretary.

[F.R. Doc. 68-13066; Filed, Oct. 25, 1968; 8:48 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Report 408]

COMMON CARRIER SERVICES INFORMATION

Domestic Public Radio Services Applications Accepted for Filing

Correction

In F.R. Doc. 68–12351 appearing at page 15131 in the issue for Thursday, October 10, 1968, in the Appendix under the heading "Rural Radio Service", the file number appearing directly under "2021–C1–P/L–69" should read "2022–C1–ML–69." In that same paragraph the call sign now reading "(KPV 75)" should read "(KPV 74)".

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 68–1]

NIPPON ELECTRIC CO., LTD.

Notice of Intent To Grant Exclusive Patent License

In accordance with the NASA Foreign Patent Licensing Regulations, 14 CFR 1245.405(e), the National Aeronautics and Space Administration announces its intention to grant to the Nippon Electric Co., Ltd., an exclusive license for the manufacture in Japan of the invention described in Japanese Patent No. 484,436, "Interconnection of Solar Cells," issued November 10, 1966. Interested parties should submit written inquiries or comments within 60 days to the Assistant General Counsel for Patent Matters (Code GP) National Aeronautics and Space Administration, Washington, D.C. 20546.

T. O. Paine,
Acting Administrator.

[F.R. Doc. 68–13073; Filed, Oct. 25, 1968; 8:48 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[812–2363]

BOSTON CAPITAL CORP.

Notice of Filing of Application

October 22, 1968.

Notice is hereby given that Boston Capital Corp. ("Applicant"), 535 Boylston Street, Boston, Mass. 02116, registered under the Investment Company Act of 1940 ("Act") as a closed-end nondiversified investment company, has filed an application pursuant to section 17(d) of the Act and Rule 17d–1 thereunder for an order permitting the consulting arrangement described below. The application also requests an order pursuant to section 6(c) of the Act exempting the acquisition of the securities described below from the provisions of section 17(d) of the Act and Rule 17d–1 thereunder. All interested persons are referred to the application for a statement of the representations therein, which are summarized below:

Blue Bird Food Products Co., a Pennsylvania corporation, is engaged in the business of processing cooked and smoked pork products for sale to retail food chain organizations. Blue Bird had outstanding at May 31, 1968, 22,425 shares of common stock with a par of value of $1 a share and 2,575 shares of class B stock with a par value of $1 a share. The common stock is voting stock; the class B stock is identical to the common stock, except that it does not have the right to vote for the election of directors or for any other matters not relating to the corporation's capital structure. Applicant owns approximately 49 percent of the outstanding voting securities of Blue Bird. Stephen B. Swensrud is a director of Blue Bird and chairman of the latter's board of directors. Accordingly, Blue Bird is an affiliated person of applicant within the meaning of section 2(a)(3) of the Act and Swensrud is an affiliated person within the meaning of section 2(a)(3) of the Act of an affiliated person (Blue Bird) of applicant, a registered investment company.

The application states that Swensrud was employed by applicant from August 1, 1961, to March 15, 1968, at which time he resigned all positions with applicant. In addition to his being a director and chairman of the board of directors of Blue Bird as noted above, Swensrud was also a vice president of Blue Bird until his resignation from such office on March 20, 1968. On that date Swensrud and Blue Bird entered into a written agreement whereby Blue Bird retained Swensrud as a consultant for a period commencing March 20, 1968, and terminating at the end of any month on not less than 15 days written notice by either party and agreed to pay Swensrud at the rate of $30,000 a year. The terms of such agreement also provide for the issuance and sale by Blue Bird and the purchase by Swensrud of 1,250 shares of common stock of Blue Bird at a price of $150 per share, subject to the unanimous consent of Blue Bird's stockholders. Blue Bird has 15 stockholders, consisting of applicant, the president of Blue Bird, three insurance companies, a pension fund affiliated with one of them, a pension trust, an investment trust, the principals of an investment banking firm, and three other individual investors.

Blue Bird's net income for the 9 months ended April 27, 1968, amounted to $1,117,383 or $40.27 a share of class B and common stock assuming the exercise of outstanding options for the purchase of Blue Bird stock.

Following the commencement of the consulting arrangement, such arrangement was suspended and is not presently in effect. Applicant now requests an order of the Commission pursuant to section 17(d) and Rule 17d–1 thereunder permitting Swensrud to serve Blue Bird as consultant in the future under the terms of the agreement referred to above. The applicant has issued and sold the 1,250 shares of Blue Bird stock to Swensrud and requests pursuant to section 6(c) of the Act that such sale be exempted from the provisions of section 17(d) and Rule 17d–1 thereunder.

Section 17(d) of the Act and Rule 17d–1 thereunder, taken together provide, as here pertinent, that it shall be unlawful for an affiliated person of a registered investment company or an affiliated person of such a person, acting as principal, to participate in, or to effect any transaction in which such registered company or a company controlled by such registered company, is a joint or joint and several participant unless, prior thereto, an application regarding such arrangement has been filed with and granted by the Commission. In passing upon such an application, the Commission must consider whether the participation of such registered or controlled company in such arrangement is consistent with the provisions, policies and purposes of the Act and the extent to which such participation is on a basis different from or less advantageous than that of other participants.

Section 6(c) of the Act provides that the Commission, by order upon application, may conditionally or unconditionally exempt any person, or transaction from any provision of the Act or of any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

The purchase and holding of Blue Bird shares by Swensrud concurrently with the holding by applicant of a majority of Blue Bird shares may be considered a transaction in which applicant is a joint or joint and several participant with Swensrud. Similarly, the retention by Blue Bird of Swensrud to act as financial consultant at the time when Blue Bird is controlled by applicant may be considered a transaction in which applicant is a joint or joint and several participant with Swensrud.

Applicant represents that the transactions described above are consistent with the provisions, policies and purposes of the Act and that the participation of Boston Capital is not on a basis less advantageous than that of Swensrud.

The applicant states that since it acquired its interest in Blue Bird, the latter company has embarked on an expansion program contemplating internal growth and corporate acquisitions. Applicant believes, therefore, that Blue Bird requires the services of a qualified consultant in connection with these activities. Applicant considers Swensrud the ideal person for the position because his qualifications are thoroughly known to applicant through his prior association with applicant, because he enjoys a good reputation as a financial expert and is well

known in the financial community and because he is thoroughly familiar with the financial affairs of Blue Bird, having negotiated various matters in connection with applicant's acquisition of Blue Bird stock. Applicant further believes that to attract and retain a qualified financial expert of Swensrud's caliber, a stock ownership arrangement similar to that described above is required.

The acquisition by Swensrud of the 1,250 shares of Blue Bird stock was consummated under these circumstances. The application was originally filed prior to Swensrud's acquisition of the Blue Bird stock. Before the application was filed the stockholders of Blue Bird had been discussing with Silvray-Litecraft Corp. ("Silvray Litecraft") a proposal looking to the acquisition by Silvray Litecraft of all of the outstanding Capital stock of Blue Bird in exchange for shares of stock of Silvray Litecraft. Counsel for the Blue Bird stockholders was of the opinion that the acquisition by Swensrud of the Blue Bird stock was advisable in a order to insure the tax-free nature of the exchange and to facilitate the obtaining of a favorable ruling from the Internal Revenue Service. The Blue Bird stockholders also believed that the substitution of another arrangement for the prompt acquisition by Swensrud of Blue Bird stock would unduly delay and jeopardize consummation of the contemplated exchange of Blue Bird stock for Silvray Stock. Following the disclosure of the foregoing to the staff, the sale of the shares of Blue Bird stock to Swensrud was consummated subject to an agreement of Old Colony Trust Co. (which received delivery of the Blue Bird shares from Blue Bird and the purchase price from Swensrud) to return the purchase price to Swensrud and the Blue Bird shares to Blue Bird (or the Silvray-Litecraft shares to Silvray-Litecraft if, as is the case, the exchange of Silvray-Litecraft shares for Blue Bird shares has been consummated) in the event that the Commission should deny the application.

Notice is further given that any interested person may, not later than November 12, 1968, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 68–13069; Filed, Oct. 25, 1968; 8:48 a.m.]

[70–4683]

GRANITE STATE ELECTRIC CO. AND NEW ENGLAND ELECTRIC SYSTEM

Notice of Proposed Authorization, Issue and Sale of Common Stock by Subsidiary Company to Holding Company

OCTOBER 21, 1968.

Notice is hereby given that Granite State Electric Co. ("Granite"), 65 North Park Street, Lebanon, N.H. 03766, an electric utility company, and a wholly-owned subsidiary company of New England Electric System ("NEES"), 441 Stuart Street, Boston, Mass. 02116, a registered holding company, have filed a joint application-declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(a), 6(b), 7, 9(a), 10, and 12 of the Act and Rules 42 and 50 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the joint application-declaration, which is summarized below, for a complete statement of the proposed transactions.

Granite will increase its capital stock by the authorization of 5,000 additional shares of common stock of the aggregate par value of $500,000. Such shares will be issued and sold at the price of $100 per share as fixed by Granite's Board of Directors. NEES, the sole common stockholder, proposes to acquire such shares for a cash consideration of $500,000. Upon such authorization, issue and sale, Granite will have outstanding 35,400 shares of common stock of an aggregate par value of $3,540,000.

The proceeds from the issue and sale of the additional common stock will be applied towards the payment of short-term notes evidencing borrowing made for construction. Granite presently has $4,370,000 of such short-term notes payable outstanding pursuant to Commission authorization, $2,070,000 payable to banks and $2,300,000 payable to NEES.

The expenses related to the proposed transactions are estimated at $1,450, of which Granite and NEES will pay $1,250 and $200 respectively. It is stated that the Public Utilities Commission of New Hampshire has jurisdiction over the proposed issue and sale of common stock by Granite. It is also stated that no other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than November 8, 1968, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said joint application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the joint applicants-declarants at the above stated addresses, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the joint application-declaration, as filed or as it may be amended, may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 68–13070; Filed, Oct. 25, 1968; 8:48 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice No. 718]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

OCTOBER 23, 1968.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC–67 (49 CFR 340) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 1263 (Sub-No. 14 TA), filed October 18, 1968. Applicant: McCARTY TRUCK LINE, INC., 17th and Harris, Trenton, Mo. 64683. Applicant's representative: Frank W. Taylor, Jr., 1221 Baltimore Avenue, Kansas City, Mo. 64105. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Windows,* complete with glass (double hung windows), from Trenton, Mo., to points in Iowa, Illinois, Nebraska, Kansas, Arkansas, and Sioux Falls, S. Dak.; *materials and supplies used in the manufacture of windows,* from points in Illinois, Arkansas, and Oklahoma, to Trenton, Mo., for 150 days. Supporting shipper: Windows, Inc., 1436 Lulu Street, Trenton, Mo. 64683. Send protests to: Vernon V. Coble, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1100 Federal Office Building, 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 80430 (Sub-No. 125 TA), filed October 21, 1968. Applicant: GATEWAY TRANSPORTATION CO., INC., 2130 South Avenue, La Crosse, Wis. 54601. Applicant's representative: Joseph E. Ludden (same address as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Class B propellant powder,* from Badger Army Ammunition Plant, Baraboo, Wis., to Twin Cities Army Ammunition Plant, Minneapolis, Minn., for 150 days. Supporting shipper: Department of the Army, Washington, D.C. Send protests to: Barney L. Hardin, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 444 West Main Street, Room 11, Madison, Wis. 53703.

No. MC 108380 (Sub-No. 74 TA), filed October 21, 1968. Applicant: JOHNSTON'S FUEL LINERS, INC., Post Office Box 100, Newcastle, Wyo. 82701. Applicant's representative: T. Stockton, The 1650 Grant Street Building, Denver, Colo. 80203. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gas,* in bulk, in tank vehicles, from points in Powder River County, Mont., to points in Nebraska, South Dakota, and Wyoming, for 150 days. Supporting shipper: Western Slope Fuel Co., Room 2346, First National Bank Building, Denver, Colo. 80202. Send protests to: Paul A. Naughton, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 304, Lierd Building, 259 South Center Street, Casper, Wyo. 82601.

No. MC 112822 (Sub-No. 86 TA), filed October 21, 1968. Applicant: EARL BRAY, INC., Post Office Box 1191, 1401 North Little Street, Cushing, Okla. 74023. Applicant's representative: Rodger Spahr (same address as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Salt and salt products,* from Grand Saline, Tex., to points in Arkansas and Oklahoma, for 180 days. Supporting shipper: Morton Salt Co., 6175 The Paseo, Kansas City, Mo. 64110. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 350, American General Building, 210 Northwest Sixth, Oklahoma City, Okla. 73102.

No. MC 113362 (Sub-No. 153 TA), filed October 18, 1968. Applicant: ELLSWORTH FREIGHT LINES, INC., 310 East Broadway, Eagle Grove, Iowa 50533. Applicant's representative: Donald L. Stern, 630 City National Bank Building, Omaha, Nebr. 68102. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses* (except hides and commodities in bulk in tank or hopper-type vehicles) as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766, from John Morrell & Co., plantsite at Ottumwa, Iowa, to points in Ohio, Pennsylvania, Michigan, New York, Maryland, District of Columbia, Massachusetts, Connecticut, Rhode Island, Maine, New Hampshire, Vermont, West Virginia, Virginia, New Jersey, and Delaware, for 180 days. Supporting shipper: John Morrell & Co., Ottumwa, Iowa 52501. Send protests to: Ellis L. Annett, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 677 Federal Building, Des Moines, Iowa 50309.

No. MC 113678 (Sub-No. 332 TA), filed October 21, 1968. Applicant: CURTIS, INC., 770 East 51st Avenue, Post Office Box 16004, Stockyards Station, Denver, Colo. 80216. Applicant's representative: Duane W. Acklie, N.S.E.A. Building, Post Office Box 806, Lincoln, Nebr. 68508. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Meats, meat products and packinghouse products* as set forth in sections A and C, *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766, from Fremont, Nebr., to points in Connecticut, Massachusetts, New Jersey, New York, and Pennsylvania, for 180 days. Supporting shipper: K. O. Petrick, Geo. A. Mormel & Co., Post Office Box 800, Austin, Minn. 55912. Send protests to: District Supervisor H. C. Ruoff, Interstate Commerce Commission, Bureau of Operations, 2022 Federal Building, 1961 Stout Street, Denver, Colo. 80202.

No. MC 123048 (Sub-No. 145 TA), filed October 21, 1968. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., 1919 Hamilton Avenue, 53403, Post Office Box A, Racine, Wis. 53401. Applicant's representative: Paul Martinson (same address as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Prefabricated buildings, parts, materials, and supplies* used in the erection thereof, from Montgomery, Minn., to points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, Missouri, New Jersey, New Hampshire, New York, North Carolina, Ohio, and Oklahoma, for 180 days. Supporting shipper: Polar Panels Co., Inc., Montgomery, Minn. 56069 (John W. Farl, Vice President, Traffic and Construction). Send protests to: District Supervisor Lyle W. Helfer, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

No. MC 127957 (Sub-No. 1 TA), filed October 21, 1968. Applicant: DOMINICK SPINELLI, doing business as DIRECT WAY AUTO SHIPPERS, 5540 Northwest 183d Street, Opa Locka, Fla. 33054. Applicant's representative: William J. Lippman, 1824 R Street NW., Washington, D.C. 20009. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Used passenger automobiles,* in secondary movements in driveaway service, with or without baggage, personal effects, and sporting equipment, between Miami, Fla., on the one hand, and, on the other, points in New York, Connecticut, New Jersey, California, Illinois, Iowa, Michigan, Ohio, Pennsylvania, Maryland, and Massachusetts, restricted against the transportation of any traffic (1) having a prior movement by rail or water, (2) moving on Government bills of lading, or (3) moving to automobile dealers, for 120 days. Supporting shippers: There are approximately 30 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: District Supervisor Joseph B. Teichert, Interstate Commerce Commission, Bureau of Operations, Room 1226, 51 Southwest First Avenue, Miami, Fla. 33130.

No. MC 129905 (Sub-No. 1 TA), filed October 21, 1968. Applicant: ALL STATES MOVING AND STORAGE CO., INC., 2800 Navy Boulevard, Pensacola, Fla. 32505. Applicant's representative: Sal H. Proctor, 1729 Gulf Life Tower, Jacksonville, Fla. 32207. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Used household goods,* restricted to the direct movement of goods between the warehouse facility of the applicant (including nearby common carrier warehouses and military installations), on the one hand, and, on the other, the dwelling, office, museum, institution, hospital, or other similar establishment, of the owner of such goods, which service is incidental to the removal of goods

from or placement of goods into such dwelling, office, museum, institution, hospital, or other similar establishment, between points in Florida, for 180 days. Supporting shippers: (1) Karevan, Inc., 419 Third Avenue West, Seattle, Wash. 98119; (2) Northwest Consolidators, Inc., 427 Third Avenue West, Seattle, Wash. 98119. Send protests to: B. R. McKenzie, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 823, 2121 Building, Birmingham, Ala. 35203.

No. MC 133240 TA, October 18, 1968. Applicant: WEST END TRUCKING CO., INC., 8 Couchan Drive, Little Ferry, N.J. 07643. Applicant's representative: Charles J. Williams, 47 Lincoln Park, Newark, N.J. 07102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wearing apparel*, in cartons, for the account of Holly Stores, Inc., between New York, N.Y., and Secaucus, N.J., on the one hand, and, on the other, Garden City, Warren, Detroit, Southgate, Taylor, Southfield, Troy, St. Clair Shores and Westland, Mich., for 180 days. Supporting shipper: Holly Stores, Inc., 550 West 59th Street, New York, N.Y. 10019. Send protests to: District Supervisor Joel Morrows, Bureau of Operations, Interstate Commerce Commission, 970 Broad Street, Newark, N.J. 07102.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 68-13072; Filed, Oct. 25, 1968; 8:48 a.m.]

Title 2—THE CONGRESS

ACTS APPROVED BY THE PRESIDENT

EDITORIAL NOTE: After the adjournment of the Congress *sine die*, and until all public acts have received final Presidential consideration, a listing of public laws approved by the President will appear in the daily FEDERAL REGISTER under Title 2—The Congress. A consolidated listing of the new acts approved by the President will appear in the Daily Digest in the final issue of the Congressional Record covering the 90th Congress, Second Session.

Approved October 24, 1968

H.R. 15971 ..... Public Law 90-632
Military Justice Act of 1968.

CUMULATIVE LIST OF PARTS AFFECTED—OCTOBER

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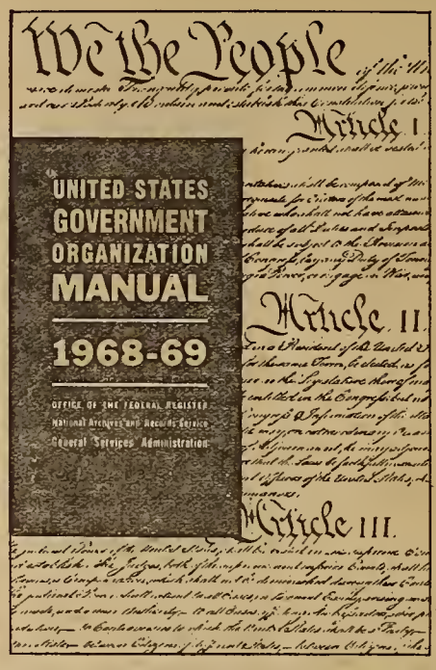

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